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= QUARTERLY**

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SOME HISTORICAL FACTORS CONTRIBUTING TO THE PROBLEMS OF THE GREAT PLAINS*

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Hardin-Simmons University

With the possible exception of the recent flood zone, the Great Plains have been the subject of more comments during the last three or four years than any other geographical province in the United States. Winds have swept the soil away from large areas; drifting sands have buried fences and even buildings; "black blizzards" have rolled down on regions remote from the dust bowl proper; and, at certain times, even in communities east of the Mississippi somber skies and sensitive nostrils have reminded people that somewhere the earth was losing its covering. The general government along with that of the states has tackled the problem; organizations have been perfected and conferences held to cope with the situation; and this association, at its last annual meeting, was addressed by a distinguished scholar who gave the warning that in this vast country a desert is in the making.¹

Sand storms, which are comparatively local disturbances, and dust storms, which affect a much wider area, have been known ever since white men first visited the Great Plains; but during recent years they have been more severe, more frequent, and more far-reaching than ever before. It is generally conceded that the greater prevalence of dust is largely the result of the misuse of the land, that is, over-grazing and the turning of sod that never should have been disturbed by the plow. Out of these practices have arisen most of the

*Presidential address delivered before the Southwestern Social Science Association, Dallas, Texas, March 26, 1937.

¹See Paul Sears, *Deserts on the March* (Norman, Oklahoma, 1935).

physical, economic, and social problems of the Plains country. This paper deals with the history of the events and movements that brought about the present conditions. It is not the writer's purpose to propose a solution of these problems; he has proceeded with the simple faith that a knowledge of how we became involved in a given difficulty may be of at least a little aid in helping to get out of it.

The Great Plains extend from central western Texas northward far into British America. On the west they are bounded by the rough country that lies near the base of the Rocky Mountains. The eastern boundary is not so easily defined, but has been placed by W. P. Webb, the historian of the Plains,² at about the ninety-eighth meridian, since west of that line the country is not only comparatively level and treeless but does not have sufficient rainfall for successful farming, except by methods especially adapted to a sub-humid or semi-arid country. The region may be divided into two nearly equal parts: the Rolling Plains, on the east, and the more arid High Plains, which extend almost to the Rocky Mountains. Although the Plains have certain characteristics in common, there are wide variations in soil, topography, and climate, so that a statement that applies to one part may not hold true as regards another. This study pertains only to that part lying within the United States, and, since the writer is more familiar with the southern Plains, he has drawn most of his illustrations from that region.

The first Anglo-American explorers to visit the Great Plains, such as Pike, Long, and James, declared that the country was, for the most part, unsuited for the habitation of civilized people.³ These men could not conceive of a civilization that did not rest on agriculture, and they could not envision homes in a land where there were no trees and no visible water supply. The notion of a Great American Desert, that extended from about the ninety-eighth meridian to the Rockies, came to be accepted generally by Americans and prevailed quite until the Civil War. Forces that tended to break down the idea were, however, at work for many years before it was dispelled in the popular mind. The caravans beat out a trail from Missouri

²W. P. Webb, *The Great Plains* (Ginn and Company, 1931), p. 7.

³Ralph C. Morris, "The Notion of a Great American Desert East of the Rockies," *The Mississippi Valley Historical Review*, XIII, (Sept., 1926), 190-200.

to Santa Fe and found that their oxen thrive on Plains grasses; intrepid mountain men crossed and re-crossed the great open country that separated the settlements from the land where beaver abounded; and immigrants Oregon bound, the Mormons, and the gold-seekers followed old trails and laid out new ones, until by 1850, tens of thousands of people knew by experience the way to the West. Also, during the fifties, the overland freighters and the carriers of mail and express learned that the Great Plains could sustain both men and animals. Indeed the first cattle brought in a great number to the western Plains were freighters' oxen. After the Civil War, mining camps in the eastern Rocky Mountains had to be supplied, and herdsmen gathered in their vicinity.⁴ Meanwhile, the advance of the cattlemen from the east, which had begun even before the war, was renewed. The herdsmen appropriated the Rolling Plains during the late sixties and early seventies, and by 1880 they had taken the High Plains.

The cattle kingdom of the open range did not last long. Reports of high profits caused crowding, and men who could purchase, lease, or seize land began to fence their holdings. The invention of barbed wire made this possible, and the coming of railroads helped to speed up the process. Herdsmen who could not get control of land were crowded out. But before the ranges of the High Plains had been fenced, another force, destined to affect the way of life in the West far more than enclosed pastures, was being felt in the Rolling Plains. This was the advance of the farmer, the small land-holder who often elbowed into the ranges of the ranchmen, made a dugout or a cabin, turned a few acres of sod, and remained in spite of the opposition of the cowmen. Extensive areas of the eastern Plains had been appropriated by farmers by 1880, and during the following decade they entered the more favorable regions of the High Plains. Although the agricultural frontier had in certain places reached the extreme western plains by 1890, the farmers had not at that date appropriated a large percentage of the lands. Indeed, the turning of the sod in the western part of the Rolling Plains and in practically all the High Plains is chiefly a twentieth century development. Also it cannot be said that the farmers have been solely responsible for soil erosion in the Plains country. Over-grazing, that is,

⁴Ernest Osgood, *The Day of the Cattleman*, (Minneapolis, 1929), p. 256; Louis Pelzer, *The Cattlemen's Frontier* (Glendale, Calif., 1936), pp. 153ff.

the beating out of the turf by myriads of hoofs, has wrought extensive destruction. It is generally agreed, nevertheless, that cultivating lands not suited to that purpose because of soil texture and insufficient moisture is the major source of the difficulty, and the forces that brought this about call for more detailed consideration.

The history of the peopling and exploiting of the Great Plains contains factors that are unique and worthy of more detailed study than they have yet been given. The region was occupied in a comparatively short period, not because it yielded readily to the advances of the pioneers, but rather because there were set against it the wealth and strength of a great nation armed with pioneering implements such as the world had not known up to that time. The notion of a great American desert was dispelled long before the end of the nineteenth century. After it was discovered that the country had some value it was generally assumed that it should become the home of farmers. It was regarded as a national sin to permit it to be exploited by the cattlemen, who held it like feudal overlords; it should be cut up into small units and distributed after the fashion of the agricultural lands of the East and Middle West. It might be said with at least a measure of truth that the idea that the country was good for nothing gave way to the belief, equally erroneous, that it was good for everything. Failure to recognize its limitations has been the source of its greatest problems. The federal government set out to make it solely a farming country; the western states gave the movement their support; the railroads worked to that end; and the pioneer farmers, who led the vanguard of the agrarian army, and their allies, the editors and business men of the towns, made of the idea almost a mania.

An account of the policy of the federal government in regard to the Great Plains may well begin with its disposition of Indian lands. By 1880 the Indians had been confined on reservations and were being taught the white man's way of life. More than half of the reservation lands lay within the Great Plains, and, in addition, there were vast acres of Indian lands, such as that appropriated to the use of the Utes in Colorado and the Navajos in Arizona and New Mexico,⁵ where

⁵See the map accompanying the *Report of the Commissioner of Indian Affairs for the Year 1880* (Washington, 1880).

the rainfall was even less than in the country east of the Rockies. The habits and temperament of these people as well as the country in which they lived called for stock-raising as their chief industry. In almost all the reservations there was some land suited for agriculture, and there was opportunity for a sound system of animal husbandry in which the raising of feed could have been made an auxiliary to grazing. But through his agency, the Indian Office, the Great Father decreed that his wards should become farmers. The government had ample warning that agriculture in this region was exceedingly hazardous. Under the direction of white farm instructors the Indians broke their lands and planted their crops. Some were successful, but a majority of the reports were discouraging. "Rainfall is increasing with cultivation, so that now a failure of crops from drought is a thing of the past," wrote an enthusiastic agent in 1884 from the Yankton Agency in Dakota, favorably situated in the eastern Plains. Yet, in his report three years later, he described a destructive drought.⁶ One of the most conservative reports of the agents ran thus: "I never have and do not now regard this as a practical agricultural region for Indians. What the white [man] may accomplish here in that line in the dim distant future is a question."⁷

Notwithstanding these warnings, E. A. Hayt, Commissioner of Indian Affairs, recommended in his report for 1878 that the red men be allotted lands in severalty in tracts not exceeding 160 acres to each head of a family.⁸ Congress moved more slowly than the commissioner desired, but, in 1887, the Dawes Act provided for such a program.⁹ As the Indians accepted their allotments from time to time the tribes were paid for their surplus lands. The Dawes Act provided that these Indian lands when purchased by the government be restored to the public domain and be opened to actual settlers in tracts not exceeding one hundred and sixty acres. Indian

⁶*Report of the Commissioner of Indian Affairs* for 1884, p. 58; *Report* for 1887, p. 55.

⁷*Report of the Commissioner of Indian Affairs* for 1882, p. 37. Except for an occasional seasonable year, reports of Indian agents during the latter part of the nineteenth century are replete with accounts of destructive droughts.

⁸*Report of the Commissioner of Indian Affairs* for 1878, p. x.

⁹*Report of the Commissioner of Indian Affairs* for 1887, pp. 274-277.

reservations were reduced rapidly. In the year ending September, 1890, approximately 13,000,000 acres were restored to the public domain and agreements then pending called for more than 17,400,000 additional acres.¹⁰ Thus neither the Indian nor the white settler could secure title to more than 160 acres of Indian lands; and, although the proprietor might realize that the returns of farming were uncertain, he knew he could not make a living on it in any other way.

Likewise, the federal land laws that applied to white men made it necessary that the homesteader cultivate his land. Indeed, he had to cultivate a part of it in order to secure title to it. The Homestead Act of 1862 allowed the head of a family only 160 acres. Other laws passed later, such as the Timber Culture Act, the Desert Land Act, and modifications of the Homestead Act, permitted the settler to secure a little more land but not enough for successful stock-raising. In 1890 a rider attached to an appropriation act forbid any person acquiring title to more than 320 acres in the aggregate under all of the land laws.¹¹ Beginning with 1904 slightly larger entries were allowed, but by that time the choicest lands, even in the western Plains, had been taken. In this connection it should be stated that there has been much misconception concerning the Homestead Act. Contrary to popular opinion, it was not the chief means by which lands were acquired from the federal government during the nineteenth century.¹² Because of huge reservations and appropriations of lands to other purposes it turned out that the best lands were not open to entry under it. After 1862 over 125,000,000 acres were given to railroads; the states were granted lands aggregating about 140,000,000 acres; Indian lands restored to the public domain amounted to 100,000,000 acres or more; and other federal lands never open to entry under the Homestead Act

¹⁰*Report of the Commissioner of Indian Affairs for 1890*, pp. xxxviii, xxxix.

¹¹Paul Wallace Gates, "The Homestead Law in an Incongruous Land System," *American Historical Review*, XLI (July, 1936), p. 681.

¹²Up to 1900, there had been taken under this law 80,104,059 acres; the amount patented between 1899 and 1930 was 153,526,194 acres.—Fred Albert Shannon, *Economic History of the People of the United States* (The Macmillan Company, 1934), p. 438.

amounted in the aggregate at least to 100,000,000.¹³ Thus, under this system a great part of the choicest lands of the Plains were appropriated to other purposes, and the homeseeker who did not have money to purchase land was obliged either to take up inferior land or go far into the semi-arid country where the climate worked against him. Even if he left his fellow farmers behind and went on into the cattle country, the moneyless homeseeker probably would find the best claims already appropriated by the ranchmen or their cowboys. The system tended to drive the poorest people onto the poorest lands.

Texas, which owned its lands, adopted a policy more suited for grazing purposes. In 1887 it permitted the purchase of four sections of dry grazing land, and by a law of 1906 one might purchase as much as eight sections.¹⁴ Although these laws encouraged "family-sized ranches" in certain parts of the state they did not prevent excessive agricultural expansion in the High Plains of the Texas Panhandle.

Beginning with the Union Pacific, which was completed in 1869, the railroads of the Great Plains became fervent proponents of the gospel of agriculture. It has already been stated that railroads were given liberal land grants by the general government and it should be stated, also, that Texas gave railroads, all told, 32,400,000 acres.¹⁵ Much of this land was located in the Great Plains.

The terms of the grants required that the railroads dispose of the land promptly, and they inaugurated what was perhaps the greatest real estate boom ever known in the history of the United States. They established land and immigration departments. They located agents in various eastern centers, whom they supplied with descriptive literature galore. At least one road sent a representative to Russia, who succeeded in starting the Mennonite movement that brought sixty

¹³Paul Wallace Gates, "The Homestead Law in an Incongruous Land System," *American Historical Review*, XLI (July, 1936), p. 662.

¹⁴Reuben McKittrick, "The Public Land System of Texas, 1823-1910," *Bulletin No. 905*, the University of Wisconsin (Madison, 1918), p. 99; B. Youngblood and A. B. Cox, "An Economic Study of a Typical Ranching Area on the Edwards Plateau of Texas," *Bulletin No. 297*, Texas Agricultural Experiment Station, pp. 123ff.

¹⁵Rueben McKittrick, "The Public Land System of Texas, 1823-1910," p. 70.

thousand of these people to the West by 1905.¹⁶ They distributed tons of bulletins, pamphlets, almanacs, and immigrants' guides.¹⁷ They brought prospectors and immigrants into the country, train loads of them at times, at from one-third to one-half fare.¹⁸ They erected immigrant depots along their lines where the people could be housed until they had selected their lands.¹⁹ And in some years they sent exhibition trains to cities in the East. Some of the railroads preceded the federal and state governments by many years in establishing experiment farms in the Plains country.²⁰ This aggressive sales policy, combined with the facilities for transportation which the railroads offered, extended the entire agricultural frontier westward, but its results were most pronounced in those regions near the lines. For instance, the building of the Fort Worth and Denver railroad into the Panhandle of Texas caused that country to be settled by farmers twenty years earlier than the region one hundred and more miles to the south; and five years after the Texas and Pacific railroad had been built across Texas in 1881 the agricultural frontier near the road was more than one hundred miles in advance of that fifty or more miles away from it.

The cattlemen generally were opposed to the advance of the pioneer farmers. They told the agrarians that "the right side of the land is up," and that to turn the sod and destroy the fine turf was both futile and a crime against nature; they not only would fail to make a living but they would ruin the country. There were more selfish reasons for this hostility, however. Even after the crowding of the ranges compelled

¹⁶C. B. Schmidt, "Reminiscences of Foreign Immigration Work for Kansas," *Kansas Historical Collections*, IX (1905-1906), pp. 487ff.

¹⁷Some of these before me are: A bulletin of the Houston and Texas Central Land Department, 1880; a bulletin of the International and Great Northern Railroad, 1880-1881; *Statistics and Information Concerning Texas*, 1889, by the Missouri Pacific Railway Company; *Texas Industries and Resources*, 1906 [?] by the Southern Pacific Passenger Department.

¹⁸W. C. Holden, "Immigration and Settlement in West Texas," *West Texas Historical Association Year Book*, V., (Abilene, Texas, 1929), p. 83.

¹⁹S. B. McAllister, "Building the Texas and Pacific Railroad West of Fort Worth," *West Texas Historical Association Year Book*, IV, (Abilene, Texas, 1928), p. 56.

²⁰For instance, shortly after it reached Baird in 1881, the Texas and Pacific established such a farm at that place. It was maintained successfully for several years.

the ranchmen to fence their holdings, comparatively few of them owned all of the land their cattle grazed, and many of them owned little or none of it. Because of insufficient capital and a land system with which they were always at cross purposes they had been forced to consolidate their ranges by hook or crook. In order to survive many of them found it necessary to violate the spirit if not the letter of every land law applied to their country.²¹ Their hold on the ranges was weak and they knew it. In some cases they harrassed the "nesters" or drove them away by intimidation. More often than otherwise, however, the man with the plow won the controversy. The law was on the farmers' side; they had ballots, and, although those in the vanguard might be outnumbered by the stockmen, they could join ranks with the host that marched at their rear and dictate to lawmakers at the state and national capitals. Unfortunately for the rank and file of ordinary Americans engaged in the business, a number of large cattle companies were owned by foreign capitalists, and the impression soon went abroad that the lands were being illegally held by "cattle barons" and "the minions of wealth and monopoly" who sought to seize the lands and keep American citizens from securing homes on the public domain.²² Public sentiment was against the ranchmen, and if the settlers shot or stole their cattle (and they frequently did both) it was difficult to secure redress for the grievance. One disgusted Texas foreman stated the case of the ranchmen thus: "And the general feeling over the country is such that every time a company gets done out of a piece of land by dishonest trickery, or ingratitude, an approving yell of applause goes up and most everybody feels better in consequence."²³

The feud between the cattlemen and the grangers gradually subsided, however. First in the Rolling Plains and later in

²¹See, for instance, E. Osgood, *The Day of the Cattleman*, Chapter vi; J. Evett Haley, *Charles Goodnight, Cowman and Plainsman* (Houghton Mifflin Company, 1936), p. 329.

²²E. E. Dale, *The Range Cattle Industry*, (Norman, Oklahoma, 1930), p. 104.

²³The statement was made in 1901 by the foreman of the Spur Ranch. W. C. Holden, "The Problem of Maintaining the Solid Range on the Spur Ranch," *Southwestern Historical Quarterly*, xxxiv (July, 1930), p. 5.

the High Plains the antagonism ceased and they became friends and allies.²⁴

In order to stay in business the ranchmen were forced to purchase or secure long-term leases on their lands, and once they owned their ranges there was no reason why they should oppose the coming of the farmer or anybody else who would add to the value of their property. More settlers meant higher land values, and when land prices became too high to warrant their continuing in the cattle business, the ranchmen cut up their pastures into farms. Thus was inaugurated the last phase in the advance of agriculture into the Great Plains, a twentieth century development that continues even to this day. These latter-day land booms, in which editors, merchants, bankers, ranchmen, and farmers all united must be given at least brief consideration.

The Plainsman is likely to be enthusiastic; indeed he must be so if he is to succeed, for his country offers many disappointments, and it takes courage and zeal to overcome them. Also his is a land of magnificent distances, and he thinks and talks in terms of great dimensions, using many superlatives. Like the inhabitants of all new countries the people of the Plains resented criticism of their country, especially by an outsider. Because its characteristics stood out in bold contrast to those of other regions it was often maligned, thought the Plainsmen, by persons who did not appreciate its advantages and were jealous of its rapid growth. Hence to sing its praise was not only profitable but was a bounden duty.

Before the end of the eighties the people of the Rolling Plains—farmers, merchants, editors, and even some ranchmen—had united in a program to secure immigrants. They organized state, regional, and local immigration associations, generally short-lived but active in praising their country. But the newspapers of the region probably were the most effective and certainly were the most constant advocates of immigration. In their regular editions they gave liberal space to immigration items and from time to time they issued special editions devoted to the cause. They gave extravagant

²⁴As late as the early nineteenth century there were, however, clashes over the right to lease or purchase lands. See R. D. Holt, "School Land Rushes in West Texas," *West Texas Historical Association, Year Book X* (Abilene, Texas, 1934) p. 42ff.

praise to the soil, the grass, the crops, and even the wind. One enthusiastic editor qualified for the Ananias club by reproducing pictures taken of Eastern parks and beaches and labelling them as scenes from a West Texas Lake.²⁵ Although the mailing lists of these newspapers consisted mainly of local persons, copies were, no doubt, frequently relayed by subscribers to friends in the East.

When, at about the turn of the century, the people of the Rolling Plains began to recover from the immigration fever, the malady spread to the High Plains and has raged intermittently until this day. Early in the century it was proved that wheat could be grown in favorable seasons even west of the one hundred and third meridian. Potatoes and onions also were produced, and in the southern part of the region Kaffir corn, milo maize, broom corn, and cantaloupes proved profitable without irrigation. Also, south of the Panhandle of Texas, cotton soon came to be grown in quantities sufficient to affect substantially the market. Ranchmen began to yield to the advance of the farmers by cutting up their pastures and selling them in small tracts. Real estate companies were organized to purchase and dispose of the lands, and another great boom was inaugurated.²⁶ The scene was much the same as that in regions farther east a decade or two before. Home-seekers were brought in by the train load. In February, 1906, the editor of the *Dalhart Texan* stated that public "rigs" could not accommodate the crowds of land-hungry prospectors, so that private conveyances had to be pressed into service.²⁷ News items in his columns substantiate his statement that in Dallam and Hartley counties (the northwest corner of the Texas Panhandle) land values increased from fifty to one hundred per cent during the last quarter of 1905. This particular editor maintained the finest boosting traditions of the West. He quoted farmers who from time to time recounted to him their achievements. One had produced \$150 worth of

²⁵See W. C. Holden, "Immigration and Settlement in West Texas," *West Texas Historical Association Year Book*, V (Abilene, Texas, 1929) p. 84ff.

²⁶Conditions in the Panhandle of Texas are reflected in the files of the *Dalhart Texan*, liberal transcripts of which were supplied the writer by Mr. William Mauldin, Sweetwater, Texas. See especially issues of Feb. 22, and March 14, 1908; Jan. 7, and Feb. 11, 1910; and April 3, 1925.

²⁷*Ibid.*, February 10, 1906. See also issues of December 19, 1906, and December 9, 1910.

onions on three-quarters of an acre of eight dollar land; another made 135 bushels of potatoes per acre; a third made six tons of Kaffir corn per acre; and another, thirty bushels of corn, sixty-five bushels of oats, and twenty-two and a half bushels of wheat per acre.²⁸ The editor recounted with delight the fact that Panhandle cantaloupes had been chosen over the famous Rocky Ford melons for Pullman and station eating house service on the railroads. He complained of the Texas four-section homestead law, which permitted a man to secure from the state so much of this fine Panhandle land when 160 acres was all anybody needed.²⁹

Thus have the Great Plains been taken by the farmers. Their advance is reflected in population figures: In 1860 the population of the Plains was negligible; by 1880 it had increased to about 600,000; and by 1890 it was 1,850,000. Since that date waves of farmers have surged against the High Plains, moving in during seasonable years and receding during droughts. Between 1890 and 1900 the gain in population was slight. In fact, during this period the High Plains country declined in population. The advance was renewed, however, early in the twentieth century, each decennial census thereafter showing a gain, and that of 1930 showing approximately 6,000,000 inhabitants.³⁰ The region has no great cities. A few oil fields have added to its population, but it is primarily an agricultural and stock-raising country. A very large percentage of the land is arable. This is especially true in the High Plains where the land requires no clearing, and is easily turned with the improved farm machinery of the twentieth century. The best turf has been turned under. For instance, the agricultural census of 1923 shows that in the twenty-six counties of the Texas Panhandle about twenty-two per cent

²⁸*Ibid.*, Aug. 4, 1906; Nov. 23, 1907 and March 30, 1909.

²⁹*Ibid.*, October 3, 1908, and February 11, 1916.

³⁰These figures, which I have compiled by taking the aggregate of the population of the Great Plains counties for the several census years, run about thirty per cent higher than those given in the report of the Great Plains Committee entitled *The Future of the Great Plains*. The difference is attributable to my including one or two tiers of counties farther east than the eastern boundary of the Great Plains as defined by the President's committee.—See the Report of the President's Great Plains Committee entitled, *The Future of the Great Plains* (Washington: Government Printing Office, December, 1936), p. 39.

of the land is devoted to crops, a percentage approximately the same as that in twenty-six other counties selected from the eastern part of the state.³¹

Evidently "the conquest of the plow" has been too complete; the eagerness of Plains farmers to utilize the rich virgin soils has defeated its own purpose. No adequate study of conditions has been made, but the President's Great Plains Drought Area Committee, after a brief and somewhat superficial examination state: "The extent of erosion on the Great Plains has not yet been accurately measured. It is safe to say that eighty per cent is now in some stage of erosion. As much as fifteen per cent may already have been seriously and permanently injured." As a remedy the committee suggests that the region "be divided into sub-areas according to the types of use to which each portion of it may be best and most safely devoted. . . . Certain sub-marginal lands should be taken permanently out of commercial production. On arable farms such soil conserving practices as re-grassing, contour plowing, listing, terracing, strip cropping, and the planting of shelter trees should be followed."³²

If the general government is willing to pay for the sub-marginal lands, it should not have any difficulty in securing them. The dangerous feature of such a program is that the government will own the worthless lands while the citizens year by year will augment the government's acreage by injuring seriously or ruining additional lands. The problem of retiring from agricultural use lands which are still productive but which, because of soil texture, are deteriorating rapidly will not be so easily solved. The very productivity of the land will add to the difficulty. As long as it will produce a crop, even only under the most favorable circumstances, there will be a great temptation for the owners to continue to cultivate it, which will mean that they will mine it; that is, reduce its fertility each year until it becomes worthless.

Certain men who ought to know state that with proper soil

³¹Of the entire Plains area as delineated by the President's Great Plains Committee, about 80 percent was in farms in 1935 and approximately 30 percent was crop land. *The Future of the Great Plains*, p. 39.

³²Report of the Great Plains Drought Area Committee, August, 1936, pp. 8, 10. See also, *The Future of the Great Plains*, the report of the Great Plains Committee (Washington: Government Printing Office, December, 1936), pp. 71ff.

conservation methods a great part of the Plains farm lands can be made to produce indefinitely. It is to be hoped that they are correct and that proper conserving practices can be worked out and their use disseminated. Although he is by nature a profound individualist, surely in times of emergency the Plainsmen can be depended upon to cooperate. Great Plains lands are among the richest in the world. Every person acquainted with this country has seen mile after mile of lush wheat billowing in the May breeze, and literally counties of maize, its fat golden heads glistening in the October sun. I have never seen another sight that conveyed so impressively a sense of plenty as these bountiful Plains crops at harvest time.

To the first European explorers and their American successors the Great Plains constituted a barrier that was penetrated only with great effort. Through trial and error men learned how to cross this land. Then it was appropriated by the cattlemen who developed an industry that suited it most excellently. It challenged the courage of capitalists, and its first railroads were built only by the aid of the government. It taxed the energy and resourcefulness of the farmers who turned its sod. Men had to struggle to win the Plains. They took the country only with the aid of inventions, scientific discoveries, and capital supplied by a rich nation. It seems that equal ingenuity and effort must be applied if this land is to be held and utilized effectively.

FASCISM VERSUS COMMUNISM

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It is obvious even to the casual observer that our age is one of those revolutionary transition periods in world history which witnesses radical transformations in economic, political, and social institutions and systems. Already the pre-war world of Europe and the United States, with its *laissez-faire* capitalism and its traditions of liberty and individualism, seems in some respects as remote and unfamiliar as Merry England before the Cromwellian and the Glorious Revolutions or France during the *Ancien Régime*. In the United States the New Deal, with its vast extension of the functions and influence of government into fields hitherto held sacred to the individual and his liberty, has succeeded the Harding-Coolidge-Hoover regime, which struggled valiantly, though ineffectively, to maintain the old order and preserve the great traditions of the nineteenth century. In Italy a successful fascist revolution has established a corporative state, and in Germany the Nazis are intent on the task of building the totalitarian state. In Russia the communists seized power in 1917 and since that date have established a socialist commonwealth extending over one-sixth of the world's land area. Japan seems definitely tending towards fascism; China appears to be drifting towards a communist revolution. The smaller nations of Europe have swung or are swinging in varying degrees towards fascism or communism. Great Britain and France, like the United States, are attempting to steer a middle course and to minimize the break with the past, but are experiencing increasing difficulty in maintaining their position.

Events seem to be shaping for a decisive struggle between fascism and communism. In fact, this struggle is now in progress in the little international war in Spain, which it is feared may prove to be the overture to a major conflict. Should that major conflict occur, it too will probably be a conflict between the fascist and the communist ways of life. For it is between these two that the lines are drawn, and the sharpness of the conflict, together with the momentous issues at stake, doubtless will preclude a middle or neutral position. Opinions generally are that France and Great Britain, with

the lesser liberal-democratic nations, would line up with the Soviet Union against the fascist states of Italy and Germany, supported by Japan and some of the smaller European countries of fascist leanings.

What, then, are the points in issue between fascism and communism? What sort of economic, political, and social order does each involve? What is the nature of the choice which may possibly confront the peoples of Europe if not the world? The answers to these questions are to be sought in the theories of fascism and communism. Policies and practices as well as goals or aims are intelligible only in terms of their theoretical basis, of the principles of which they constitute the expression.

Communism definitely is based on Marx's and Engels' materialist interpretation of history, with its emphasis on the primacy of economic factors in determining the course of history; their doctrine of the class struggle as the motivating force in social evolution; and their theory of the state as an instrument of class power and domination. By contrast, the theory of fascism is indefinite and confused, for its intellectual background is meager as compared to the extensive philosophical and theoretical development of communism since the days of the *Communist Manifesto*. In fascist theory there can be found ideas derived from Machiavelli, who emphasized the notion that might makes right; from Treitsche and Carlyle, with their theory that history is made by great men; from Pareto and Sorel, who advocated the leadership of the élite and emphasized their significance as the embodiment of the genius of a people; and from Hegel, with his mystical nationalism and his theory of the state as the ultimate and absolute social organism. Communism interprets history in terms of impersonal, economic factors and forces working out their effects through social and economic classes. Fascism interprets history in terms of the personal ambitions and exploits of supermen who impose their leadership and guide the course of events by force of strength and will.

Politically, fascism postulates the unlimited and irresponsible sovereignty of the national state over all phases of life and activity. The state is sovereign not only in a legal sense but also in that it has the function of regulating every department of social life,—education, religion, art, the relations of capital and labor, the processes of production and distribution, and all other phases of the social and economic system.

Further, the state is itself a mystical body of independent life and existence and with a mission which is realized in the course of historical development. The individual is regarded as existing for the state, not the state for the individual. Individual rights and privileges are strictly subordinate to the needs and requirements of the state. The sovereignty of the state is to be preserved and perpetuated at all costs. All political, economic, social and intellectual activity is to be tested and approved or rejected in the light of its effect on the historical mission of the state.

In communist theory the state is regarded as the product of class struggles, of the division of society into classes with antagonistic and conflicting interests. It is posited as an agency of class power, an organ of class domination, an instrument fashioned and used by the most powerful and economically dominant class for the oppression and exploitation of the economically weaker class. In a capitalist society the communists regard the state as an instrument of power in the hands of the capitalists used to further their class interests, to protect their property rights and increase their profits, and to keep the working class in subjection. Likewise, in a communist society the state is equally an agency of class power and domination, an instrument in this instance fashioned and controlled by the working class and used for the exploitation, subjection, and eventual liquidation of the capitalist class.¹

Fascism rejects the dogma of popular sovereignty and the principle of majority rule. Administration is entrusted to a limited number of persons constituting an organic unity. These are the élite. Absolute state authority and discipline require a hierarchical system, in which every individual, whatever his position, is responsible to his superior, who in turn must account for his actions to the person above him in the scale, and so on until all authority is gathered together in the hands of the governing group. The members of the government are under the final authority of a leader who embodies supreme power and authority and is accountable to no one. All authority flows from the top downward. Thus fascism operates through a dictatorship.

The communists designate the political system of the Soviet

¹Cf. Lenin, V. I., *The State and Revolution, Collected Works*, Vol. XXI, Bk. II, pp. 153-166 (Eng. ed., Internat. Pubs., 1932).

Union as the "Dictatorship of the Proletariat," and this is a term used more than once by Marx in his voluminous writings. This phrase, like so much of communist terminology, doubtless conveys little definite meaning to English-speaking peoples, who in general consider it a euphemism for the dictatorship of Stalin or at least the dictatorship of the communist party. This possibly accounts for the widespread opinion that the dictatorship in the Soviet Union is of one piece with the dictatorship of Mussolini in Fascist Italy or of Hitler in Nazi Germany, and that communism is equally with fascism destructive of liberty and freedom and democracy. The communists use the term "dictatorship," however, to refer not to the exercise of authority by an absolute ruler whose word is law, but to the control and use of the state by a dominant class in the protection and furthering of its interests. Since in communist theory the state is an agency of class power, it is by its very nature a dictatorship. The particular form of its government, whether autocratic or democratic, parliamentary or monarchical, is irrelevant to the issue. In capitalist society, the communists regard the state as the dictatorship of the capitalists, not by virtue of the form of its government but by virtue, in their view, of its strong and resolute administration in the interests of the property owning class. Just so, the proletarian state is the dictatorship of the proletariat because of its equally strong and resolute administration in the interests of the working class.

The Soviet Union, then, is not ruled by a dictatorship in the historical meaning of that term. Stalin has no such legal power or absolute authority as Mussolini or Hitler. He is not invested by law with any authority over his fellow citizens, nor even over members of the Communist party. He does not occupy the highest office in the U. S. S. R., nor even in the Communist party. There are leaders in the Soviet Union, and among them Stalin is the most influential. But his leadership is based not on law or legal power, but on skilful persuasion and shrewd management.

The communists themselves more than once have stated that the dictatorship of the proletariat is substantially the dictatorship of the Communist party, as the force which effectively guides the proletariat. Beyond question, the administration of the Soviet Union is controlled in large degree by the Party, but this control is not manifested in any com-

mands enforceable by law on the ordinary citizen. The Party is outside the constitution. It cannot itself alter or add to the laws of the Union. By training and organization the Party membership exercises great intellectual influence on the mass of the population, but the term "dictatorship" seems scarcely an accurate designation for this type of leadership. It is control by prestige and propaganda, not by fiat.² All this is in striking contrast to the position of the Fascist party in Italy where party and state are fused and Mussolini is the head of both with predominant power in his hands.

Whereas Fascism glorifies the national state and regards it as an end in itself and as superior to the individuals and to the classes which constitute it, communism regards the proletarian state only as a means to an end, as an instrument for effecting the transition from capitalism to communism. The communists proclaim as their aim the creation of a classless society. The purpose of the dictatorship of the proletariat is to destroy itself by abolishing classes and creating the economic and social conditions requisite for the realization of communism. Since the state is an instrument of class power and of exploitation, it will disappear when classes disappear. So runs the theory.

Fascism is essentially a lower middle class movement. In the *Communist Manifesto* Marx and Engels described all past history as a history of class struggles, and pictured the class struggle in the capitalist economy of their day as a struggle between the capitalist class and the working class,—or the bourgeoisie and the proletariat, in their terminology. But Marx developed his theories before the day of the modern corporation. He assumed this tendency would inevitably have the effect of squeezing out the lower middle class, or *petite bourgeoisie* as he called them, and pushing them down into the ranks of the proletariat, with a consequent sharpening of class lines between the two great economic classes and intensification of their struggle. In this struggle numerical advantage would more and more lie with the proletariat by virtue of the proletarianization of the middle class.

²Sidney and Beatrice Webb, in their scholarly and exhaustive study of the political and economic order of the Soviet Union, arrive at the conclusion that neither in theory nor in fact is the Soviet Union ruled by a dictatorship. Cf. *Soviet Communism: A New Civilization*, Vol. I, Chap. VI (Scribner's, 1936).

But the corporation with its device of limited liability has separated ownership from management and control. This separation has made possible centralization of control with wide diffusion of ownership, and has given rise to a new *petite bourgeoisie* of small shareholders and *rentiers* as owners, and salaried managers, engineers, technicians, and various other professional groups who operate and minister to corporate enterprise. This new lower middle class is vastly different in character from the lower middle class of small-scale producers and traders, farmers and peasant owners which Marx had in mind. It is also greatly superior in initiative, driving force, and power of resistance to communism. It is a class powerful enough to make on its own behalf a bid for social and economic authority, and its bid is fascism.

Thwarted national ambitions, extreme economic insecurity resulting from the dislocations and economic depressions of the post-war period, and the menace of communism stirred this class to action and enabled it to secure in its action the passive acquiescence if not the active support of the older lower middle class and the great capitalists and industrialists. This class feels that its economic status and prestige depends upon the survival of capitalism. It also is of the opinion that the difficulties into which capitalism has fallen in these latter days are the consequence of the mismanagement and incompetence of the large capitalists and financiers. It therefore proposes to subject capitalism to such regulations and control by the state as is necessary for its survival.³

The new basis on which the fascists propose to reconstruct, and in Italy and Germany have already reconstructed, capitalism is state capitalism. The state allies itself with private enterprise, which is declared to be the "most practical and feasible means for serving national interests," and with the preservation of private property and capitalism generally, which is declared to be the "best adapted method of production," but subjects both private enterprise and private property to the authority and control of the corporative state. The sovereign state is supreme over the economic system as over all other phases of social and individual life, and fascism declares the right of the state to intervene in the processes of production

³This point of view is developed by G. D. G. Cole in *What Marx Really Meant*, pp. 123-139, 292-295. (Knopf, 1934).

whenever private initiative proves unequal to the task at hand or when political interests are at stake. Mr. Lawrence Dennis, who is urging the necessity of an American Fascist revolution, puts the matter as follows:

"If private property is to survive, it must accept any measure of control necessary to the realization of the plan adopted. This means the end of the liberal system of property rights. The new regime of property must mean that a private property right is only a right to do what the state from day to day may decide may be done with private property"⁴ It is little wonder that the large property owners and the financial and industrial capitalists have little enthusiasm for fascism. In their eyes it is an evil,—but a lesser evil than communism. They accept it therefore only whenever there appears to be a real threat of communism. Fascism subjects the large capitalist to control, but communism aims to do away with him altogether. He prefers control to annihilation, as who in his position would not?

The older lower middle class groups of small traders and producers and farmers also have no enthusiasm for the economic system of fascism, for they are opposed to large-scale industry as such and to all forms of centralized economic authority, whether in the hands of the large capitalists or of the state. If authority is to be centralized, however, they probably prefer state control to control by the financiers. Their acquiescence and even active support of the program has been secured, though, by an appeal to all sorts of emotions and traditional attitudes, such as patriotism or national pride, religious and racial hatreds, and by the fear of communism. However, these groups will not be happy under the fascist economic regime.

In the case of the large capitalists, fascism offers something of a *quid pro quo* in exchange for the control to which they are subjected. "Ownership and management", as Mr. Dennis points out, "would lose some of their present rights, but in return they would derive from a benevolent state a degree of security from labor troubles and competitive practices which only a strong executive state can afford".⁵ And

⁴"Fascism for America," *Annals of the American Academy of Political and Social Science*, Vol. 180, July, 1935, p. 68.

⁵*Ibid.*, p. 69.

this is no mean *quid pro quo*. For the most thoroughgoing interventionism of the fascist state in Italy is in regard to the freedom of labor. The idea of the sovereignty and supremacy of the state leaves no room for the class struggles. Through the syndicalist organizations of the various trades and industries, which are dominated and controlled by the government, all relationships involving labor are regulated, and the regulations are rigidly binding. Fascism insists on the collaboration of labor and capital in the interest of uninterrupted national production. For this reason, all strikes and lockouts are prohibited, all labor disputes must be submitted to arbitration, and the decisions are binding on both groups. The class struggle is forcibly suppressed. Capitalism trades liberty for security. The state controls industry, but the profits accrue to private owners.

In the economic sphere communism replaces the system of private enterprise, operated for maximum profits, with a planned economy, operated for the maximum production of goods and services needed or desired by the community. Private ownership of the principal means of production and distribution is replaced by collective ownership. The processes of production, the uses to which the means of production are put, the kinds, qualities and amounts of all the various goods and services produced are controlled not by the operation of market forces, the play of prices, and the decisions of private owners in search of profits, but by the administrative authority of society. Administrative decisions are based not on considerations of pecuniary profits, but on elaborate statistical data of productive capacities and the needs and requirements of the community of consumers.

In striking contrast to capitalistic or fascist economy, communism abolishes the profit motive as an incentive to economic activity and as the basis of economic order. Buying to sell at a higher price or employing workers to make a profit from the sale of the product are branded and punished as crimes. Profit-making activities are regarded as incompatible with a planned economy and with the aim of creating a classless society.

The abolition of private enterprise operated for profits, however, neither necessitates nor implies the abolition of private enterprise operated to make a living. In the Soviet Union there are millions of individuals who work independently or in voluntary partnerships for their own or their

families' subsistence. Almost the whole of agriculture is operated on this basis as well as a large part of the handicraft industries and personal services. These independent producers or producers' cooperatives may sell the product of their own labor in the market or by contract for any price they can get. Further, the abolition of profit-making has not meant the abolition of personal property, or any compulsion to have all things in common. Nor has it prevented inequality in possessions or differences in earnings. It does mean the abolition of income from ownership of capital, from speculation, or from the employment of labor. It does mean that, during the transition stage of socialism, able-bodied persons live only by working,—unless perforce they would prefer to beg.

Superficially, fascism and communism might seem to possess several characteristics in common. Both are opposed to *laissez-faire* principles either in politics or economics. Both in greater or less degree subject every sphere of social life and human activity to unified regulation and control. Both disparage the political institutions of so-called democratic-parliamentary government. Both abolish all opposition parties and concentrate political power in the hands of one legally recognized party. Both are antithetical to the capitalism of the nineteenth century. These superficial and negative similarities have misled some not unintelligent people into the belief that the two are largely of one piece of cloth, with communism possibly the more radical of the two and therefore the more distant from our traditional institutions and ways of life.

Fascism and communism, however, have in fact nothing positive in common. Fascism is a middle class movement; communism is a proletarian or working class movement. Fascism seeks to preserve private ownership of capital, private enterprise, and profit-making. Communism abolishes all these. Fascism proclaims the sovereignty of the state and its right to absorb the loyalty, the energy, and the conscience of men. Communism regards the state as an instrument of oppression and exploitation, the result of class division in society, and looks to its disappearance when classes have been abolished. Fascism accepts as inevitable the existence of classes with conflicting interests and suppresses class struggles by force and coercion. Communism seeks to abolish class struggles by abolishing classes. Fascism places all authority in the hands of the élite who rule through a dictatorship. This

is designated by the fascists as "government by the right people". Communism places all power in the hands of the working class under the leadership of what is called the "vanguard of the proletariat," organized in the Communist party. Leadership by the Party is based on persuasion and prestige, not on law and force. Fascism seeks the greater glory of the state and of the smaller security owners and the technical and professional classes. Communism seeks the greater glory of the working class and of the machine process,—or its results.

There is no common ground on which these two can meet. The conflict between them is irrepressible. This does not mean, however, that a struggle for control between them is to be expected in the immediate future in the United States or in those countries of Europe which yet are neither fascist nor communist. In France the older group of the lower middle class are still predominant both numerically and in political and economic strength, and may be able to maintain their parliamentary-democratic political system and relatively small-scale and decentralized economic system for some time to come. In the United States and Great Britain capitalism has been greatly modified and subjected to considerable regulation, but the new capitalism in these countries is not fascism. It is not based on fascist theory nor guided by those groups which have initiated fascism in Italy and Germany. The ability of capitalism to survive depends on its ability to solve the problems of economic insecurity, which primarily prepared the way for fascism in those countries which have become fascist as well as laid the basis for the communist revolution in the Soviet Union. Given the continuance of recovery in the United States and Great Britain, a fascist or communist revolution is not to be anticipated. But if there is another world war or another depression of the magnitude of the one following 1929, a revolution of some sort, communist, fascist, or other, probably would be inevitable in Great Britain, France, and the United States.

AMENDING THE LOUISIANA CONSTITUTION

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Since the admission of Louisiana into the Union in 1812, there have been nine state constitutions. The present Constitution was adopted June 18, 1921, and become effective July 1, 1921.¹ The preceding Constitution of 1913 had been extremely unsatisfactory, mainly because it had declared that provisions of the Constitution of 1898 should remain in effect unless specifically repealed by, or in conflict with, provisions of the Constitution of 1913. The state Supreme Court had added to the confusion by nullifying numerous provisions of the 1913 Constitution on the ground that the convention which framed it had exceeded its limited powers.² As a result, the citizens of Louisiana were, in effect, burdened with two state constitutions, with some of the provisions of the Constitution of 1913 remaining valid and certain provisions of the 1898 document restored as fundamental law.

In 1915, the legislature responded to agitation to end the confusion, and submitted to the voters a proposition to call a convention. However, the voters were not yet ready to discard the remains of their two-year-old constitution and rejected the proposal. The legislature then submitted 31 amendments which were promptly ratified. Nevertheless, the confusion remained great, and the State Bar Association and various civic organizations became more and more persistent in their demands for a new constitution. In 1919 both candidates for

¹Other Louisiana constitutions were those of 1812, 1845, 1852, 1864, 1868, 1879, 1898, and 1913. See Huey P. Long, *Constitutions of the State of Louisiana* (Baton Rouge, 1930); also Benjamin Wall Dart, *Constitutions of the State of Louisiana* (Indianapolis, 1932).

²In *State v. American Sugar Refining Co.*, 137 La. 407, 414-15 (1915), in view of the fact that none of the Louisiana constitutions, excepting the first Constitution of 1812, had contained provisions relative to constitutional conventions, the Court felt that the "silence of the organic law" in this matter left the question of calling such conventions to the state legislature; that the legislature alone could give validity to a convention; that when the people, acting under a proper resolution of the legislature, voted in favor of calling a convention, they were presumed to ratify the terms of the call, which thereby became "the basis of the authority delegated to the convention;" that whatever restrictions were designated in the legislative resolution calling a convention constituted, upon approval by the people, "a mandate to the convention." In the instant case the Court reasoned that Act

the gubernatorial nomination made the issue of calling a convention with unlimited revision power one of their chief platform demands, and in 1920 the voters approved a call for such a convention.³

On March 1, 1921, the convention, composed of 143 men and three women, assembled at Baton Rouge to begin the task which was to consume 110 days, at \$15 per member per day. Among the 146 delegates there were six manufacturers, five bankers, two housewives, one newspaperwoman, 11 planters, and 90 lawyers. The predominance of lawyers in the convention apparently caused some anxiety and distress to members of the Farmers' Union and the Dairymen's Association, because members addressed memorials to the convention pleading that the framers draft a constitution as "short", "concise," and "simple" as possible in order that the "common yeomanry" of the state might be able to understand it.⁴ What the response of lawyers would be to such a plea is quite obvious.

The work of the convention was doubtless handicapped by lack of prepared guides and studies,⁵ such as had been made available for the New York convention of 1915 and the Illinois convention of 1922.⁶ Perhaps, in view of this fact, the framers

No. 1 of 1913 submitted to the people a proposition to hold a constitutional convention "for the purpose of framing and putting into effect a new Constitution." The act contemplated a revision of the Constitution of 1898, subject to the restriction "that no article or ordinance should be enacted inconsistent with any existing constitutional provision" except in relation, for example, to the state's bonded debt, and with respect to the powers and duties of the sewerage and water board of New Orleans. The convention was specifically forbidden, *inter alia*, to alter the term of office, duties, or compensation of any existing officer under the Constitution of 1898. In the instant case, it appeared that the convention of 1913 had ignored the latter restriction by conferring upon the district attorney of Orleans parish an added authority to represent the state in civil suits, and the Court held the provision inoperative. See also *Foley v. Democratic Parish Committee of the Parish of Orleans*, 138 La. 219 (1915); *Sheridan v. Police Jury of Washington Parish*, 145 La. 403 (1919). Also Clarence A. Berdahl, "The Louisiana Constitutional Convention," 15 *Amer. Pol. Sci. Rev.* 565 (Nov., 1921).

³Berdahl, *loc. cit.*, 565.

⁴Theodore G. Gronert, "The Louisiana Constitutional Conventions of 1913 and 1921," *Southwest. Pol. and Soc. Sci. Quart.* 304 (Mar., 1924).

⁵Berdahl, *loc. cit.*, 566.

⁶Several excellent studies were prepared by the New York Constitutional Convention Commission, 1915, and by the Illinois Legislative Reference Bureau, 1919.

did a fairly creditable job in drafting the new constitution. It seems to have been the general feeling in Louisiana in 1921 that while the new document was not perfect, it did confer material benefits on the people and, on the whole, was a "patriotic", "thorough", and "efficient" instrument.⁷

Although much shorter than its predecessor,⁸ the original Louisiana Constitution of 1921 has been described as one of the longest and most detailed of state constitutions, and textbook writers cite it as one of the most striking examples, because of its length, of what a state constitution ought not to be. Originally extending over 127 pages, it was largely statutory in character. As a matter of fact, during the convention 24 delegates united in a resolution of protest against the making of such "a long and cumbersome constitution containing matter legislative in character."⁹ Eight pages were required to organize properly the legislature and to define partially its powers, and then, apparently not having too much faith in either the legislature or the Bill of Rights which they were providing, the framers guaranteed double-barreled protection by adding four more pages of specific limitations on the legislative power.¹⁰ By the time that the organization and functions of the executive department and administrative boards had been defined, the framers had added 19 more pages to their fundamental law, including provisions which authorized the legislature to protect the people against quack doctors,¹¹ and which directed it to prevent, by appropriate legislation, the spread of pests and diseases injurious to plants and domestic animals.¹² A description of the future organization and functions of the state judiciary and department of justice was condensed into 97 sections, covering 34 pages. Determined to insure, among other things, a competent personnel in this field of governmental activity, the framers provided that justices of the peace must be "able to read and write the English language correctly,"¹³

⁷Berdahl, *loc. cit.*, 568.

⁸The original Constitution of 1921 contained about 45,000 words, while the Constitution of 1913 contained approximately 80,000 words. Gronert, *loc. cit.*, 304. The Louisiana Constitution of 1921, as amended, now (1937) covers approximately 235 pages.

⁹Berdahl, *loc. cit.*, 566.

¹⁰Arts. III, IV.

¹¹Art. VI, sec. 12.

¹²Art. VI, sec. 14.

¹³Art. VII, sec. 47.

that the Supreme Court judges must be "learned in the law,"¹⁴ that jurors were to be "competent and intelligent,"¹⁵ that constables should be of "good moral character."¹⁶ One wonders to what degree their distrust of legislators inspired the framers to make a sheriff's maximum compensation for services in criminal matters dependent upon the number of state representatives in the parish.¹⁷ Suffrage and elections were disposed of in ten pages; revenues and expenditures, 22 pages; parochial and municipal affairs, 37 pages; and the remaining pages were devoted to the Bill of Rights, the amending process, militia, levees, pensions, corporations, and miscellaneous powers.¹⁸

An examination of the long, wordy, detailed Constitution of 1921, which probably includes within its provisions all of the fundamentals of democratic government, and most of the non-fundamentals as well, reveals that the framers seemingly disregarded all of the precepts which, political scientists say, constitution-makers should follow. However, they did provide what has proved to be an easy amending process to go along with their detailed constitution. The comparative ease of amendment in Louisiana is illustrated by the fact that of the 127 amendments proposed since 1921, 118 have been adopted.¹⁹

A brief survey of the amending clauses of the nine Louisiana constitutions reveals that the first Constitution of 1812 provided only for the proposal and adoption of amendments by a convention, to be called by the legislature after a majority of the voters qualified to vote for state representatives had indicated, at two successive elections, that they wished a convention to be called.²⁰ The Constitution of 1845

¹⁴Art. VII, sec. 6.

¹⁵Art. VII, sec. 41.

¹⁶Art. VII, sec. 49.

¹⁷Art. VII, sec. 74.

¹⁸The need to set aside undesirable judicial decisions played some part in increasing the length of the Constitution of 1921. For example, one section (Art. XIV, sec. 6) was included to nullify a state Supreme Court decision (*Peart v. Meeker*, 45 La. Ann. 421, 1893) to the effect that the state was not required under the police power to give compensation for private property taken for levee purposes. Cf. R. L. Carleton, *Local Government and Administration in Louisiana*, 245-246.

¹⁹In 1922, 4 amendments proposed, 4 ratified; in 1924, 13 proposed, 10 ratified; in 1926, 14 proposed, 11 ratified; in 1928, 22 proposed, 22 ratified; in 1930, 8 proposed, 8 ratified; in 1932, 17 proposed, 15 ratified; in 1934, 14 proposed, 14 ratified; in 1936, 35 proposed, 34 ratified.

²⁰Long, *op. cit.*, 562.

made no provision for a convention, but did provide that amendments might be proposed by a three-fifths vote of both houses of two successive legislatures, and ratification was made dependent upon the approval of a majority of the qualified voters.²¹ The remaining seven Louisiana constitutions, with one exception,²² have provided that amendments might be proposed by a two-thirds vote of both houses of the legislature. The constitutions of 1852, 1864, and 1868 provided that ratification of amendments should be effected by the approval of a majority of those voting at the election,²³ but the last four constitutions have simplified ratification by requiring the approval of only a majority of those voting on the amendments.²⁴ Excepting the first Constitution of 1812, no provision for calling a constitutional convention has been made in the amending articles of any Louisiana constitution.²⁵ All constitutions since 1845 have provided for publishing proposed amendments before the election in one newspaper in every parish in which a newspaper was published; all have required that proposed amendments be submitted in such way that voters might vote on each proposal separately.²⁶

Louisiana's record for ratification of constitutional amendments may be compared with that of other states. In 1930, 20 states proposed 153 amendments, of which 71 (46%) were ratified.²⁷ Louisiana proposed eight amendments and all were adopted. In 1932, 105 amendments were submitted in 22

²¹*Ibid.*, 561-562.

²²The Constitution of 1864 provided for proposal by a majority of both houses of the legislature. *Ibid.*, 561.

²³Requiring the approval of a majority of those voting at the election has been a serious handicap to ratification in some states because of the tendency of some voters not to vote on proposed amendments, although voting for candidates. See Alden L. Powell, "A Plan for Facilitating Constitutional Amendment in Illinois," 30 *Ill. Law Rev.* 59-67 (May, 1935). See also Walter F. Dodd, *The Revision and Amendment of State Constitutions*, 186-209.

²⁴Long, *op. cit.*, 559-561. See Powell, *loc. cit.*, 64.

²⁵Constitutional conventions have been summoned by the legislature, which has determined their powers and fixed the number, qualifications, and method of selection of delegates thereto. See, for example, *Acts of Louisiana*, 180 of 1920.

²⁶Long, *op. cit.*, 559-561.

²⁷Computed from Frederic H. Guild, "State Constitutions, Referenda and Initiatives," *American Year Book* (1930), 109-110.

states, and 60 (57%) were ratified.²⁸ Louisiana adopted all but two of the 17 proposals. In 1934, 35 states submitted 99 amendments, of which 54 (55%) were approved.²⁹ Louisiana voters approved all of the 14 proposals submitted to them.

At its last regular session, the Louisiana legislature proposed 35 amendments for submission to the voters at the general election of November 6, 1936.³⁰ Eight of these proposals dealt with fiscal matters, six with highways, and the remainder provided for minor additions or changes in governmental structures. Among the blessings of liberty made possible by these amendments was the repeal of the constitutional provision which disqualified members of the legislature from holding offices which may have been created, or the emoluments thereof increased, during the time of their membership.³¹ Another amendment softened somewhat the constitutional definition of bailable offenses.³² A third proposal made the State Treasurer eligible to succeed himself,³³ while a fourth amendment provided fund for "supplying free school books . . . library books, pencils and ink writing paper, pencils, pens, ink, and the like, to the school children of the State."³⁴ A fifth proposal declared that August 30th, birthday of the late Senator Huey P. Long, "shall be and forever remain a legal holiday" in the state.³⁵ All but one of these 35 proposals was ratified.³⁶

Although the wording of the amending articles affords a comparatively liberal amending procedure, ease of amendment in Louisiana is not due to the language of the article itself, but rather results from extraneous factors not found in the written document. Political scientists should give credit to the finesse and refined technique which political leaders have employed to persuade the legislators and the voters to view proposed amendments favorably, because here lies the whole secret of frequent

²⁸Computed from Guild, *op. cit.*, (1932), 125.

²⁹Computed from Walter H. Sandelius, "State Constitutions, Referenda, and Initiatives," *American Year Book* (1934), 124.

³⁰Regular session begun and held at Baton Rouge, May 11, 1936. For the texts of amendments proposed see *Acts of Louisiana* (1936), 367-946.

³¹*Acts of Louisiana*, 90 of 1936.

³²*Ibid.*, 189 of 1936.

³³*Ibid.*, 327 of 1936.

³⁴*Ibid.*, 89 of 1936.

³⁵*Ibid.*, 140 of 1936.

³⁶See *infra*.

constitutional alterations in Louisiana. In fact, it seems probable that the amending clause of any American state constitution, and some state constitutions are almost inalterable,³⁷ would not be a barrier to amendment in Louisiana at the present time. Illustrations will support this proposition.

In the first place, ease and frequency of amendment result from the fact that, because the two houses of the legislature work in perfect harmony, getting amendments before the voters is a comparatively simple matter. For example, of the 35 amendments³⁸ submitted to the voters on November 6, 1936,

³⁷*Cf. Powell, loc. cit.*, 61-62.

³⁸A brief legislative history of the proposed amendments follows (there are 39 Senators and 100 Representatives in the Louisiana legislature):

Number on Ballot	Bill	HOUSE		Date of Passage	SENATE		Date of Passage	Subject
		Ayes	Nays		Ayes	Nays		
1.	S.B. 39	78	0	6/18/36	33	0	6/23/36	Art. 4, Sec. 10
2.	S.B. 64	80	0	6/18/36	33	0	6/23/36	Art. 6, Sec. 26
3.	H.B. 750	57	4	6/26/36	36	1	6/25/36	Art. 8, Sec. 10
4.	H.B. 291	81	0	6/22/36	35	0	6/18/36	Art. 6, Sec. 22
5.	S.B. 40	86	0	6/18/36	33	0	6/23/36	Art. 12, Sec. 14
6.	H.B. 467	74	0	6/22/36	31	4	6/18/36	Art. 6, Sec. 22
7.	S.B. 1	89	0	7/ 1/36	29	0	7/ 3/36	Art. 19, Sec. 22
8.	H.B. 478	66	0	6/26/36	33	0	6/25/36	Art. 14, Sec. 24
9.	H.B. 479	60	0	6/26/36	36	0	6/25/36	Art. 14, Sec. 24.1
10.	H.B. 71	77	0	6/15/36	33	0	6/11/36	Art. 18, Sec. 7
11.	S.B. 214	76	0	6/18/36	29	0	6/23/36	Art. 10, Sec. 22
12.	H.B. 391	71	0	7/ 2/36	34	0	7/ 1/36	Art. 7, Sec. 33
13.	S.B. 131	75	0	6/18/36	31	0	6/23/36	Art. 3, Sec. 12
14.	S.B. 132	82	4	7/ 1/36	32	0	6/11/36	Art. 19, Sec. 20
15.	S.B. 106	75	0	7/ 7/36	30	0	7/ 8/36	Art. 4, Sec. 13
16.	S.B. 176	76	0	7/ 1/36	27	0	7/ 3/36	Art. III
17.	H.B. 154	59	2	7/ 7/36	29	1	7/ 7/36	Art. 3, Sec. 2
18.	H.B. 384	74	0	6/30/36	36	1	6/29/36	Art. 5, Sec. 19
19.	H.B. 760	63	0	6/ 3/36	29	0	7/ 2/36	Art. 7, Sec. 12
20.	S.B. 134	89	0	7/ 7/36	34	0	7/ 8/36	Art. 10, Sec. 4
21.	S.B. 14	70	7	6/18/36	36	0	6/23/36	Art. 7, Sec. 54
22.	H.B. 177	75	0	6/17/36	36	0	6/16/36	Art. 7, Sec. 31, 32
23.	S.B. 27	73	0	6/18/36	36	0	6/23/36	Art. 7, Sec. 51
24.	S.B. 53	77	0	6/18/36	33	0	6/23/36	Art. 7, Sec. 91
25.	S.B. 133	69	1	6/24/36	31	0	6/25/36	Art. 3, Sec. 27
26.	S.B. 277	83	0	7/ 1/36	31	0	7/ 2/36	Art. 14
27.	H.B. 174	66	0	7/ 3/36	31	0	7/ 2/36	Art. 1, Sec. 12
28.	S.B. 85	69	1	7/ 2/36	27	0	7/ 6/36	Art. 19, Sec. 14
29.	S.B. 191	73	0	7/ 3/36	30	0	7/ 3/36	Art. 7, Sec. 8
30.	S.B. 223	73	1	7/ 7/36	31	0	7/ 2/36	Art. 10, Sec. 10
31.	H.B. 36	68	0	7/ 6/36	29	0	7/ 3/36	Art. 14, Sec. 12
32.	H.B. 116	77	0	7/ 6/36	29	0	7/ 3/36	Art. 8, Sec. 52
33.	H.B. 162	76	0	7/ 6/36	29	0	7/ 3/36	Art. 8, Sec. 22
34.	H.B. 526	69	0	7/ 6/36	29	0	7/ 3/36	Art. 14, Sec. 14
35.	H.B. 635	69	0	7/ 3/36	31	0	7/ 2/36	Art. 6

The statistics above have been taken from *Official Calendar of the Proceedings of the Senate*, 8th Regular Session, 1936, and from *Official Calendar of the Proceedings of the House*, 8th Regular Session, 1936.

all were proposed during one session, 25 were approved by both houses *without a single dissenting vote*, four were passed with only *one* dissenting vote in the two houses, and of the remaining six proposals, only one received as many as seven dissenting votes. After giving almost unanimous approval to proposed amendments on the floors of the legislature, the members campaign more or less actively for their ratification by the voters back home. So along the pathway of a proposed amendment from the legislative hopper to a place on the ballot, legislators lend a helping hand, apparently inspired by the thought that they are helping to write the will of the people into the fundamental law of the state.

Ease and frequency of constitutional amendment in Louisiana prevails, in the second place, because of the vigorous appeal which political leaders make to the voters for adoption of proposals. As there was no active opposition threatening the election of Democratic congressmen and presidential electors, except perhaps an occasional Landon-Knox sound truck driven by a shame-faced Democrat, the fall campaign of 1936 was centered around the 35 proposed amendments, all of which were sponsored by the Long Democratic faction, headed by Governor Richard W. Leche and Mayor Robert Maestri of New Orleans, and which, judging from election returns, is composed of about 75% of the qualified voters of Louisiana. Several weeks before the election, the Leche-Maestri forces began the task of insuring the voters' support of the amendments on election day. Handbills and car-stickers bearing the legend: "Help yourself and vote for the Amendments" were distributed throughout the state. Black and white posters nailed to fences and telephone poles bore this message: "Vote for the Amendments. Free School Books and Supplies. Baton Rouge Bridge. Farm Road Program. Social Security. Completion of Roads and Bridges. Old Age Assistance. Mothers' Aid. Encouragement of Industry. Child Welfare. No Tax on Cattle and Livestock. Unemployment Insurance. Homestead Exemption." Leading newspapers carried items summarizing the long, wordy amendments for their readers. The Woman Citizens' Union Club of New Orleans sponsored discussion meetings led by experts in legal and social science fields. Support was lent to certain of the 35 proposals by the Association of Commerce, the Bureau of Governmental Research, and the Property Owners' Association of New Orleans.

The Louisiana League of Women Voters urged the adoption of some of the amendments, as did various social and political clubs and Share-Our-Wealth societies. Church leaders championed the social security amendment.³⁹

Governor Leche stumped the state pleading for ratification, appearing at parish rallies, fairs, and other public gatherings. A rally was held at Alexandria in the court house square, and members of the Leche-Maestri faction, including the Lieutenant-Governor, several state legislators, a college president, a United States Senator, and the mayor of Alexandria, urged ratification of the 35 amendments.⁴⁰ Radio broadcasts were used extensively. On one occasion, speaking over a well-advertised state-wide hookup, Governor Leche explained each amendment briefly, pointed out its significance to the citizens, and denied vigorously counter-charges brought by the opposition, which was led by State Senator and former Governor James A. Noe and Gerald L. K. Smith. Both Noe and Smith made state-wide tours, denouncing the amendments and their sponsors in language peculiar to Louisiana politics, and both made radio appeals for rejection of the amendments. The Leche-Mastri forces "pulled a fast one" on the Noe-Smith opposition, however, by buying up all the time allowed Louisiana radio stations between 6:30 P. M. and midnight preceding election day, thus getting in their last word with the listening electorate. On this particular program, various candidates and political leaders spoke briefly, some speaking in French for the benefit of south Louisiana voters. Addresses were interspersed with music and songs rendered by a hill-billy band, including such popular numbers as "Every Man a King", "Little Brown Jug", "Turkey in the Straw", and "The Prisoner's Song."

After election day had passed, and the votes had been tallied, it appeared that not only had Franklin D. Roosevelt and John Nance Garner carried Louisiana, but also that 34 of the 35 proposed amendments had been overwhelmingly ratified. Of the 634,000 registered voters in Louisiana, approximately 325,000 had gone to the polls. The largest total vote on any amendment was that cast on the first proposition on the ballot, relative to tax-exemption of certain property, including cattle,

³⁹New Orleans *Times-Picayune*, Oct. 26 and Nov. 2, 3, 1936.

⁴⁰Alexandria *Daily Town Talk*, Nov. 2, 1936.

live-stock, and poultry,⁴¹ for the ratification of which 258,056 voted "Yes" and 38,795 voted "No", a total of 296,851 votes. Least popular of the 35 proposals was the amendment designed to create a special paving and public improvement fund for New Orleans,⁴² but which was, nevertheless, adopted by a vote of 228,527 to 51,790, a total vote of 270,317 being cast on the amendment. The total vote cast on each of the other 33 proposals ranged between 270,000 and 290,000. The one amendment which failed of adoption polled a total of 283,499 votes, with 154,162 voting "No" and 129,337 voting "Yes." Intended to permit the legislature to release individuals and corporations from "taxes due on immovable property adjudicated to the State and any of its political subdivisions" within the year in which the property was redeemed,⁴³ this amendment failed because, several days before the election, New Orleans political leaders passed the word down the line to precinct workers to defeat the proposal, and it was defeated.⁴⁴

Reviewing the history of the Louisiana Constitution of 1921 and its amendment, certain conclusions may be drawn. In the first place, the proposition that a detailed constitution will make frequent amendment necessary is supported by the fact that of the 127 amendments proposed since 1921, 92 have been designed to alter existing provisions, while only 33 have provided for the addition of new sections dealing with matters not treated in the original document. In the second place, proposal of amendments has been facilitated by the complete harmony which prevails within the legislature and between the legislature and the Governor. The one-party system is now working smoothly in Louisiana. Ratification of amendments, in the third place, is largely due to the unanimous support given the proposals by the legislature and the Governor. During the weeks preceding an election, Louisiana voters are given a short-course in politics. Prominent public officials are the professors; parish court-house squares are the classrooms. The professors were very happy after the fall election. Their students had failed only one of 35 problems.

⁴¹*Acts of Louisiana*, 68 of 1936.

⁴²*Ibid.*, 341 of 1936.

⁴³*Acts of Louisiana*, 319 of 1936.

⁴⁴This proposition appeared as No. 15 on the ballot.

SOME PROBLEMS IN THE SUCCESSFUL OPERATION OF COOPERATIVE COTTON GINS

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Cotton producers of Texas, in recent years, have manifested a growing interest in the cooperative plan for providing their own ginning service. Growers are primarily concerned with the available ginning service from two standpoints: the cost of the service; and the quality and adequacy of the service. Usually, the importance of the former consideration outweighs that of the latter. That is, cotton growers of Texas have organized some 200 cooperative gins primarily with the objective of lowering the cost of ginning.

Assuming that over a period of years, rates charged by private ginners yield a profit, cooperative gins charging the same rates should find their ginning tolls more than sufficient to cover cost of ginning. Cooperative gins might adopt the policy of charging their members a rate just equal to the cost of ginning. No cooperative, however, has followed this practice because of several difficulties involved.

GINNING RATES BASED ON COST OF GINNING

In the first place, the cost of ginning per unit, running bale or hundred weight of seed cotton, is closely related to the volume of ginning, decreasing as the volume increases. Even granting that the cooperative could estimate, at the beginning of the season, rather closely the production of its members, could the association approximate its costs at that volume? Furthermore, to the extent that members might fail to deliver their product, the actual volume ginned would vary from the estimated volume. In the main, a cooperative gin charging a rate based on the cost of ginning might follow one of two plans. In the first place, the cooperative might render ginning service on credit with the understanding that at the end of the season, the members would be billed at actual cost. There are two serious objections to such procedure. Credit business is most unsatisfactory and hazardous; the uncertainty of the rate would have an undesirable psychological effect on the members. Practically, permitting members to gin on credit is out of question.

A second course to follow would be that of estimating at

the beginning of the season the cost of ginning on the basis of the best information available and then gin for cash at this rate. If the estimated rate proved too low, the association would be faced with the problem of collecting from members the difference between the estimated cost and the actual cost. In this event, the cooperative would not only have the difficulty of collecting credit accounts, but would undoubtedly meet resistance on the part of many members contending that the rate paid at ginning time was understood to cover the full cost of ginning.

Another serious objection to the cost rate is that it would have a disturbing effect on competitive relations. It would, in many instances, lead to "gin fights" and various other forms of reprisals on the part of the competing gins.

THE COMPETITIVE GINNING RATE

The various difficulties of administering a cost rate may be avoided by charging the going competitive rate, a policy followed almost universally by the cooperative gins of Texas. With few exceptions, these gins charge according to the weight of seed cotton ginned. The usual charges range from 25 cents to 40 cents per hundredweight. Actually, the ginning toll paid by a member to his cooperative gin does not represent his net cost of ginning. Rather, these payments are more in the nature of a deposit with a margin of safety (depending upon the rate) made by the member to insure his association a return at least equal to the cost of ginning. According to the cooperative principle, whatever profits remain after costs are met, belong to the member in proportion to his patronage. The member may receive his share of the profits as a cash dividend. Or, if the profits are used in retiring indebtedness against the gin association, the member may be credited with an equity in the association equal to his share of the profits.

Cooperative gins charging the competitive rate may be faced with a serious problem in case the competing gins "cut" the rate. To follow suit may mean the difference between fair profits and no profits at all, or even losses. The policy to be followed in such an event will depend largely upon the understanding and attitude of the members. Manifestly, no gin, private or cooperative, can, over a period of years, furnish ginning service below cost. The competitors may have several

motives in cutting rates. If the cooperative maintains the higher rate, they may hope to draw part of the patronage away from the cooperative, thus lowering its volume and increasing its per bale costs of ginning, thereby lowering profits to the association. If the cooperative lowers its rates, it may be embarrassed in meeting installments on indebtedness to be paid out of profits. The members have the weapon of defense in their own hands if they but understand the factors involved. The net advantage, or disadvantage, of patronizing their own gin, or those of the competitors charging a lower rate, cannot be determined by a direct comparison of the rates charged. If the cooperative charges 30 cents per hundredweight of seed cotton ginned, while the competitors charge 25 cents, members would not necessarily gain five cents by patronizing one of the competing gins. Manifestly, if members give their own gin sufficient volume to lower the net cost of ginning to 25 cents, the immediate cost to the member would be the same; if the volume of the cooperative were further increased so as to lower the cost of ginning to 20 cents per hundredweight of seed cotton ginned, members would enjoy an advantage of five cents over what they would have paid the private competitor charging 25 cents. Furthermore, in the case of the cooperative gin, members share in profits on bagging and ties and on the cotton seed handled.

Since members of a cooperative gin obtain ginning service at cost, they should be eager to adopt such plans and measures as will effectively lower the cost of ginning. This end may be accomplished, in part, by gaining the support of a sufficient number of members to insure a desirable volume of ginning before the gin association be launched. To the degree that members understand the importance of volume, their own self interest should induce them to take such steps as will maintain this volume at a satisfactory level.

Members may influence the cost of ginning in other ways than through the volume brought to the gin. Ginning costs may be lowered by reducing the number of days the gin is operated, thereby increasing the average volume of ginning per operating day. Such an end may be accomplished through an increased use of the cotton house or by inaugurating "gin days" earlier in the season than customary among private ginners. Costs of fire insurance may be reduced by one-half to three-quarters by installation of automatic sprinklers. Be-

fore taking steps to change the type of power, a cooperative gin would do well to investigate carefully the relative costs of the various types of gin power. These are but a few suggestions as to possibilities in the lowering of ginning costs.

COMPUTING THE PATRONAGE DIVIDEND

Cooperative gins of Texas confront a number of problems in connection with the calculation of the patronage dividend to be paid members out of net profits set aside for distribution. In the early days of the cooperative gins, the running bale was the standard unit for determining the patronage dividend paid the members. In some of the cooperatives, the fact has been noticed that certain members deliberately gin small bales in order to increase the number of units on which to share in the profits. In some instances such tendencies have been checked by calculating patronage dividends on the basis of the lint weight of cotton ginned.

The best and most equitable basis for prorating profits to members can be discussed only in terms of the various types of contributions members make to their gin. If profits on ginning amount to 10 cents per hundredweight, the members ginning a bale of 1200 pounds of seed cotton will contribute \$1.20 to the profits, whereas the member ginning a bale of 2400 pounds of seed cotton will contribute \$2.40. If profits on cotton seed amount to 20 cents per hundred pounds, the member who leaves no seed with the gin will contribute nothing to cotton seed profits, while the member who leaves 950 pounds per bale will contribute \$1.90 profits to cotton seed per bale ginned.

Since the all-important relation of a member to his cooperative is measured in terms of his patronage, the point may well be stressed that members of a cooperative gin should share in profits of the various departments according to the patronage furnished these departments. That is, an equitable basis would seem to be that of paying a member dividends: on ginning profits according to the amount of seed cotton ginned; on cotton seed profits according to the amount of cotton seed sold the gin; and on bagging and tie profits according to the number of patterns purchased.

One point made regarding the running bales as the basis for computing the patronage dividends is that it is easy to calculate and that members readily understand this type of

distribution. In actual practice, this seemingly equitable treatment of members, each receiving the same dividend per bale ginned, may be decidedly inequitable. For instance, in one of the cooperative gins during the season 1935-36, a particular member ginned nearly 200 bales of cotton. He sold very little cotton seed to his gin, only an average of 15 pounds a bale. If dividends had been paid according to the running bale, this member would have received \$266 from cotton seed profits. According to the departmental method, he received \$6.40 from cotton seed profits. Under the running bale method, this member would have received a total patronage dividend of \$642; under the departmental method he received \$346, a difference of nearly \$300.

REPORTING TO MEMBERS

The management of cooperative gins using the departmental method of computing patronage dividends should make a rather comprehensive report to each member explaining the manner of his sharing in the profits. Items which should be reported might be listed as follows:

Ginning Profits: The total hundredweights of cotton seed ginned; total ginning tolls; net cost of ginning; net profits; net profits per hundredweight of seed cotton ginned; the total hundredweights of seed cotton ginned for the particular member; his total dividend from ginning profits.

Cotton Seed Profits: The total pounds of cotton seed purchased by the gin; the total cost of the cotton seed; the total receipts from sales; the total net profits; the total pounds of cotton seed sold to the gin by the particular member; his total dividend from cotton seed profits.

Bagging and Ties: The total number of patterns sold; the total cost of patterns; the total receipts from sale of patterns; the total net profits; the profits per pattern; the number of patterns the particular member purchased; his total dividend from profits on bagging and ties.

It would be well to show the dividends to the particular member per running bale that he ginned as well as to show the average dividend paid by the association as a per bale of total ginnings.

Since, basically, the member benefits from membership in a cooperative gin according to the net cost of ginning, the best measure for determining the significance of such patronage dividend as he may receive would seem to be that of the relation of the dividend to the net cost of ginning. Accordingly, in the report to a member, it would be well to show his average weight of seed cotton per bale; his net cost of ginning per bale; and the net cost per pattern of bagging and ties. These latter two items represent his net contribution per bale in cash, or its equivalent. The percentage that the dividend per bale makes of this net cost of ginning would show the net profit in terms of the net cost of ginning.

FINANCING COOPERATIVE GINS

In the plan of financing followed by the typical cooperative gin of Texas, profits from operations are of major significance. The records of about 130 cooperative gins show, that at the time of organization, the cash contributions of members, on an average, amounted to only ten per cent of the total cost of the gin plants. The remaining 90 per cent has paid, or is being paid, out of profits of operation. In nearly 50 per cent of the cases, gin associations were organized on 100 per cent credit. Under such circumstances, obviously, gin operations need to be profitable. Cooperative gins should be eager to maintain gin tolls at a level considerably above the cost of ginning.

The procedure of paying off the greater portion of the investment in a gin plant out of profits raises a number of questions regarding the equities of the members in the gin association. The By-Laws of a number of cooperative gins of Texas provide specifically that property rights of members shall be equal. That is to say, the property right of a member who ginned 10 bales while the gin was paid out, is the same as that of a member who ginned 100 bales. Furthermore, the property right of the member who joins after the gin plant has been paid for, at once becomes the same as that of members who have paid for the gin plant through profits realized on their patronage. It should be noted, however, that these same gin associations, in distributing cash dividends after the indebtedness has been retired, follow the patronage principle. This seems inconsistent. If cash dividends, to be equitable,

must be based on patronage, should not equities in the gin plant be established according to patronage?

Many of the gin associations organized in more recent years, and especially those financed by the Houston Bank for Cooperatives, are of the stock type. Members subscribe for stock equivalent in amount to the first mortgage. Some effort is made to have each member subscribe for stock in proportion to his acreage of cotton. Patronage dividends accruing to members are then applied against the stock subscribed for until it is paid out.

THE REVOLVING FUND

A growing interest is discernible in the Revolving Fund plan of financing cooperative associations. The Revolving Fund plan is particularly adaptable to the cooperative gin. For the sake of simplicity in explaining this plan, suppose a gin plant costs \$20,000 and that net profits of gin operations be \$5,000 a year. Profits the first four years of operation would pay the entire cost of the gin plant. Each year, each member would be given a certificate of indebtedness equal to his share of the patronage dividends. These certificates are evidence of property rights in the association. The fifth year, dividends due members would again be issued in the form of certificates of indebtedness, but the \$5,000 in profits would be used in retiring the certificates issued the first year. Again, the sixth year, certificates would be issued to each patron according to his patronage dividends and the certificates issued the second year retired. It is clear then that the capital fund would be completely revolved every four years. A member joining the fifth year would not receive a cash dividend. He would be given certificates of indebtedness for a four year period and the fifth year of his membership he would receive in cash the face value of the certificate issued to him the first year he was a member.

According to the Revolving Fund plan, each member assumes a share in the burden of furnishing necessary capital in proportion to his patronage. Members joining later are treated exactly like the members who assumed the responsibility of paying for the gin plant during the early years of organization. Provisions may be made in the By-Laws so that members who retire from membership will receive in cash the face value of their certificates of indebtedness year by year out

of current profits until completely paid out. Under the present Cooperative Marketing Act of Texas, a member retiring from a capital stock cooperative is entitled to a refund at the end of the year equal to the face value of the stock he holds. This might prove exceedingly embarrassing to a cooperative having a considerable number of members retiring during a year of low, or no, profits. Such embarrassment need never face a cooperative financed according to the Revolving Fund plan.

FEDERATING LOCAL GIN ASSOCIATIONS

While the emphasis thus far in this discussion has been placed on the cooperative gin as a means of reducing the cost of ginning to its members, other possible benefits to come out of local organization should not be overlooked. In recent years, much emphasis has been given to the importance of improving the quality of cotton through the establishment of one-variety communities. The local cooperative gin is an ideal unit for such a program, especially since ginning facilities are recognized as an essential to the success of such efforts. Students of rural problems lament the passing influence of the rural church and the rural school as centers of community life. In this regard, local cooperatives like the gin association hold forth much promise. The significance of local cooperatives in revitalizing rural life, economically, socially, and culturally, is amply demonstrated by experiences in countries like Ireland, Denmark, and Finland.

A properly organized federation of a group of strong local cooperative gin associations should be in a position to carry on a number of activities of great economic significance. Cooperative selling of cotton and cotton seed; cooperative buying of farm supplies needed by members; cooperative insurance for the local associations; and cooperative auditing service are but a few activities which might be furthered by such a federation. Furthermore, a group of cooperative gins located relatively close to each other might find the organization of a cooperative oil mill highly profitable.

Thus far, cooperative gins of Texas, with a few exceptions, have been uniformly successful. The continued success of these enterprises rests with an enlightened and loyal membership. If these members continue to use wisdom and discretion in choosing the most capable of their numbers to serve on the

board of directors, and if these directors in turn employ managers who not only are efficient gin men but also understand and appreciate the peculiarities of the cooperative type of organization, the future of the cooperative gin movement should be bright.

SOME ASPECTS OF RELIGION AND POLITICS IN ENGLAND, 1660-1767

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I

"How much the peace of the state is concerned in the peace of the Church, and how difficult . . . it is to preserve order and government in civil, whilst there is no order or government in ecclesiastical affairs." So Charles II, in 1660, epitomized centuries of history and at the same time provided a text which Englishmen were to disregard for many generations. From the day Augustine set foot in Kent the relations of religion and politics have not ceased to complicate the evolution of the English nation, nor have they ceased to fascinate as well as to puzzle statesmen, theologians, and historians. Few generations have escaped the necessity of re-defining those relations, and several have, under compulsion, devoted their best brains to seeking a final settlement. Failure to attain this goal measured not their incapacity but the intractability of the problem.

Only a student who sinks his shaft well into the past can realize that controversies, now irrelevant if not ridiculous, were once the very tissue of the times. As the slag is cleared away, the facets of a precious jewel, in reflecting past institutions and ideas, reveal that social evolution, instead of becoming more simple, grows more complex the farther back one goes. "Life" may have been simpler before the neon age, but the "mental furniture of the ordinary man" was more complicated because less compartmentalized. Notions now individuated were then fused, and the historian concerned with socio-intellectual history must grasp that what was economic, political, or social, was also in the broadest sense religious. Historical sources of all kinds abound in references to the comprehensive relations of religion and politics in society.

While England was still within the Roman fold, disputes between the spiritual and secular authorities constantly cropped up, and the balance of power shifted according to the capacity of the personalities or the nature of the circumstances. The struggles over the jurisdiction of the courts, taxation, and

patronage instigated a continuous "border warfare." At the same time, the diffused influence of the church over economics and domestic relations only intensified the realization that no wall divided the spiritual from the secular, that religion impinged on every phase of social life.

The enactments of Henry VIII, while redefining, by no means simplified the problem; rather they sired new aspects, compelling statesmen, theorists, and the men in the country lane to readjust their opinions concerning ecclesiastical and temporal authority. Heresy, except for the Lollard movement, had never prominently featured English religious history. With strict uniformity as the policy, it began to flourish; and when heresy became identified with treason, it was clear that in exchanging two masters for one, the nation had but superficially closed the gap of a dualism that was not less persistent for being driven underground. Presbyterian theory further complicated the situation by defining religion as a realm which no secular authority could invade without protest.

The early Stuart period brought no respite. The "Elizabethan Settlement" settled nothing; it merely postponed decisions which were more definitively, though perhaps not more conclusively attacked in the decades to come. The Hampton Court Conference, the Jacobean legislation, and the hostility to Laud were but the eruptive evidences of fundamental volcanic activity. The parliamentary records of the period clearly indicate that matters religious, not less than matters financial and constitutional, brought grief to James and death to Charles, and that all three issues were wrought into a tapestry wherein religion supplied the main theme.

During the years of "Commonwealth and Protectorate," religious crises bubbled if possible with even greater vigor. The weakening of the Establishment, the rivalry of Presbyterianism and Independency, and the multiplication of sects turned England into a maelstrom, which the Restoration did not, indeed could not, quiet. The old features survived, new ones appeared, and for years after, the problems then in evidence consistently vexed the heads of the church-state that was England. Yet if the Restoration did not end the religious turmoil, it did initiate a modest consummation of the English Reformation and a further settlement of the "Elizabethan Settlement" by creating a state church, on the one hand free from the control of Rome, and on the other purged of the Presby-

terians. Yet far from bringing peace to the nation, as they did to the church, these developments only aroused new and more bitter controversies. The dissentients, to be sure, were now outside the Church, but because of that, they were to a conspicuous extent outside the state and the law. The Restoration then legally created conformity and nonconformity alike; the latter in being penalized achieved painful recognition, and the next two centuries were given over to subtracting the penalty from the recognition.

The problem of religion and politics between 1660 and 1689 was most thorny. Never did the existence of a state Church in England touch so many factors that at first seem non-ecclesiastical. Political considerations such as order, sovereignty, and liberty, whether practical or theoretical, demanded no less reference to the ecclesiastical situation than did theological doctrines. International, economic, and social offshoots appeared. The relation of church and state weighed heavily when men, in opposing the first, opposed the second and suffered accordingly. In this connection, the position of the dissenters requires especial attention, for they were deprived of numerous privileges of citizenship. So critically did contemporaries regard this matter that it aroused bitter parliamentary discussion, and outside of Parliament, pamphleteers found in the question the chief theme of their debates, preachers a pertinent text for their sermons, and philosophers a worthy topic for their disquisitions.

II

The "Clarendon Code" inaugurated a new era in the relation of religion and politics in England, an era that did not complete its particular cycle until 1828-29. The Church of England, protected by a variety of statutes, became a vested interest identified to a tyrannical extent with the ruling classes of the country. As a vested interest it abused its privileges and forgot both the principles that gave its religion meaning and the duties that accompanied those privileges. Moreover, social and economic changes were simultaneously undermining the Church's privileged position. Notable influences were outside the Church, and many influences inside the Church were quite susceptible to the course of social evolution. To deprive a man, especially a wealthy and powerful man, of his political prerogatives because he dissented from the Establishment

appeared to many a menace to the state and to good business. No sooner, therefore, had restrictive laws created dissent than some persons sought to choke it with the cream of toleration. This policy failed primarily because it was never put into practice. Every gesture for the relief of the Protestant dissenters brought the cry, "The Church in danger." Nevertheless, efforts continued and in a few cases brought some measure of improvement, which, while falling far short of dissenters' hopes, perhaps exceeded their expectations and certainly bettered their position. Steadily they ceased to be little better than outlaws, and between 1660 and 1828 scarcely a decade elapsed but some relief gesture attracted public notice.

When Charles II returned to London in 1660 three possible solutions of the politico-religious problems attracted supporters. In general, the Episcopalians plumped for uniformity; the Presbyterians looked to their own inclusion within the Establishment and thus sponsored what is known as "comprehension"; the Independents, Quakers, and smaller sects hoped for toleration. Yet a few Episcopalians would accept comprehension and toleration, and more would accept comprehension alone. Some Presbyterians desired not only comprehension for themselves but also toleration for the sectaries. Some of the latter, while concentrating on toleration for themselves, were willing to concede establishment to the Episcopalians and comprehension to the Presbyterians. Cross-currents of desires transversed cross-currents of sects; and uniformity, comprehension, and toleration were severally defended as practical solutions and as the highest ideals of ecclesiastical and theological orthodoxy.

To be sure, after the unrest of twenty years, peace—peace that secured political order and economic prosperity as well as religious calm—was the *summum bonum* of that large proportion of the population which had not been vitally interested in the issues at stake in the preceding troublous years; and fear lest a divided England prove an easy mark for Catholic France impelled many people to place national security before the integrity of the Establishment. Yet while this outlook found expression even in high places it could not surmount the contrary factors, religious and political, which prevented the consummation of comprehension or toleration.

In the first place, not a little of the failure of the Protestant dissenters to escape penal legislation must be laid at their own door. As yet they had little group sentiment. Years passed before Presbyterians, Independents, Baptists, and the smaller sects were willing to lie down together. Presbyterians, in seeking comprehension for themselves, steadily opposed concessions to the other groups, in this respect being if anything more intolerant than the Church of England. The Independents desired toleration for themselves and a few other groups, but at the same time they often resolutely withstood toleration for Quakers and other more extreme sects. Particularism then not only broke a front that should have been intact, but it also alienated some influential figures, including Charles II himself, who favored a moderate policy. If ever a group needed to observe the slogan, "united we stand, divided we fall," it was the Protestant dissenters in 1660. Their disabilities attest that most succinctly.

Secondly and more generally, the current ideals of political and ecclesiastical orthodoxy, the existence of a powerful Church and its close union with the king, created a situation alien to much nonconformist tradition. The Presbyterian "two-kingdom" theory diametrically opposed the Erastian views of the majority of the Anglicans, and comprehension would necessarily have wrought a revolutionary change in the relations of Church and State. The Independents and Baptists, not to mention more radical sects, of course had no love for an Established Church; while they might in practice have tolerated its continued existence, they were logically committed to disestablishment.

Such opinions convinced Anglicans that legislative defense of the Church was absolutely essential. They bitterly recalled their own misfortunes at the hands of the Presbyterians and the sectaries, and sought revenge. But revenge, however sweet, was not enough; future danger must be prevented. The threat of a Fifth Monarchy uprising at the very moment of the restoration of Charles II merely justified those whom religious bigotry had already persuaded.

The penal laws denied to the dissenters the fullest privileges of citizenship, especially office-holding, equality before the law, and various prerogatives in social life. Tudor and early Stuart legislation, the Clarendon Code, the Test Acts, the canons of the Church, much of which specifically restricted

the Catholics, set up a comprehensive framework wherein dissenters were persecuted. Harsh as the laws themselves were, their extension, perhaps unintended and probably unappreciated by the legislators, proved worse. Legacies were confiscated, trusts were forbidden, dissenters were doubly penalized for their nonconformity even after the Toleration Act, and bitter feuds with the Church party marked local politics. Because of this ceaseless and at times hopeless struggle, children of nonconformists often gave up the conflict and subscribed to the articles of the Church of England.

Nevertheless, the agitation for improved status continued most pertinaciously on the part of a large number of dissenters. Repeated failure did not daunt them and ultimately they secured the aid of some weighty allies. The story of this struggle attests that, while many practical considerations entered into that struggle, these English dissenters did not live by bread alone.

During the Restoration more energy was devoted to comprehension than to toleration. Not until after the Revolution did Presbyterians and Episcopalians recognize that their differences extended beyond church government to fundamental disagreement concerning doctrines and the place of the church in society, for in 1660 Presbyterians conceived themselves an integral part of the Established Church. To a generation of Presbyterians and of Episcopalians, who did not realize that a change had occurred, comprehension seemed a most attractive solution to existing difficulties. Comprehension derived from the doctrinal liberalism of the English Church, a liberalism borne of fear of "popery" on the one side and of separation on the other. While desiring a church co-extensive with the state, comprehension did not allow unlimited variety; rather it sought to prevent such a tendency, although permitting some difference of opinions in minor matters. To many it appeared the most desirable solution because separation meant disunity within the state, and even the most broad-minded churchmen saw in conventicles a political menace to be abolished less by force than by abolishing the need for them.

The movement to institute comprehension began when in 1660 Charles expressed the hope "that henceforward all notes of discord, separation, and difference of parties be utterly abolished among all our subjects, whom we invite and conjure to a

perfect union among themselves." While still in Holland, Charles had received some leading Presbyterian divines, and it appeared that a peaceful settlement would result, especially since the Presbyterians, as they never allowed Englishmen to forget, claimed to have restored Charles II to his throne. The following year at the king's order the Savoy Conference convened to review the liturgy as a prelude to comprehension. Although both Presbyterians and Episcopalians asserted their desire for peace and unity, the Conference ended without any "accommodation" because the parties disagreed on the means. The penalty for this failure was the Act of Uniformity which began the reduction of the Presbyterians to a position where they were little better off than the sectaries. On account of their efforts to secure a favored position, however, the Presbyterians were for many years denied a complete alliance with these same sectaries, with the result that for years they played the unhappy role of a *tertium quid* untrusted by all other parties.

Several other drives to secure comprehension likewise failed despite the support of Lord Keeper Bridgman, Sir Matthew Hale, Tillotson, Stillingfleet, and Burnet, when the cry "the Church in danger", rallied loyal churchmen to the opposition. Although comprehension never secured a trial, due to Presbyterian exclusiveness, Episcopalian hostility, royal opposition, and sectarian envy, the ideal remained alive for some generations. In 1389, backed by William III, it came before Parliament but failed for much the same reasons as earlier. During the eighteenth century it derived occasional support as a means of peace; and as late as the 1830s it appeared to some a feasible solution.

The parallel struggle for toleration had a far different and longer history. As already mentioned, the early failure of comprehension paved the way for disabilities, which in turn stimulated frequent efforts for toleration. While both comprehension and toleration sought an improved position for moderate Protestant nonconformists, the leaders of each policy were not necessarily identical, even though in some cases the same men looked to the same end. The particular aim of those interested in toleration was the repeal of the various penal statutes that made nonconformity a crime. Under the common law, minor variations in religious worship constituted

no crime, and earlier legislation had touched only matters of dogma.

The "Clarendon Code," however, had inflicted hardships that could only be relieved by merciful judges or by outright evasion, of which there was a great deal. Aimed directly at the *Protestant* dissenters, it assumed that dissent and rebellion were identical. During the second decade of Charles's reign the Catholics received the greatest attention. At the same time, dissenters sought relief from laws passed against the Catholics on the ground that although not intended as penalties against Protestants, the laws were actually interpreted to that end. Dissenters argued vociferously against being linked with the "papists" as subversive elements in the state, and claimed to have permitted the passage of the Test Acts on the plea of national security. While the main efforts at relief followed the Test Act of 1673, some attention was directed toward this matter earlier. In 1662-3 the Lords debated without result a bill to dispense with the Act of Uniformity in certain cases. In 1667-68, toleration along with comprehension was again considered, but the attempt failed. Charles at this time considered the promulgation of a declaration of indulgence, but desisted because of the furor.

In 1672, however, he did issue a Declaration of Indulgence which, although rescinded almost immediately, improved the dissenters' position, because during the interval of the Declaration they built meeting-houses and afterwards the penal laws were not so rigorously enforced. While the Commons opposed the Declaration as an unwarranted assumption of royal power and as giving relief to "papists," they did favor relief for Protestant dissenters. In 1673, a relief bill passed the Commons but failed in the Lords. That the Lords did not unalterably oppose some remedial measure, however, appeared from their consideration of a Comprehension Bill in February, 1673-4. Moreover, in 1675, the Lords drafted a relief bill in which they emphasized the inexpediency of penalizing dissenters and warned that the execution of such penalties might endanger the whole realm. These drives came to nothing, however, not even mitigating the constant surveillance of dissenters.

Undiscouraged, dissenters took advantage of the Glorious Revolution to press again for an improved status and this time succeeded in getting an act which, if it did not give full political

equality with the members of the Establishment, at least legalized their nonconformity. Both King and Parliament co-operated to pass the Toleration Act, the King through religious indifference, and Parliament grateful that dissenters had not supported James II and fearful lest refusal cause a further schism which might bring him back. Because this act fell far short of dissenters' expectations, the eighteenth century witnessed several efforts at more complete relief.

Well might dissenters believe the Toleration Act the form without the reality of toleration, and during the one hundred and forty years following, many of them attacked it equally with the penal acts. Too often in their pleas for full relief they encountered some "true friend", who patronizingly observed that the Toleration Act gave the desired security and privileges. These arguments, if such they may be called, only aroused ire, and ire justified by the passage of the Occasional Conformity and Schism Acts and later by the Annual Indemnity Act which itself added insult to injury. Such legislation convinced dissenters of the inadequacy of the Toleration Act which made so small a breach in the legal barriers that commentators on the law of England, a century after, classified dissent as a crime. Furthermore, without the liberal interpretations of certain judges, the Toleration Act would have availed the harried dissenters still less.

During the reign of Anne the political-religious issue was intensified by numerous factors. Party divisions as in earlier times were not less religious than political or economic. The increasing tension brought on by the War of the Spanish Succession produced unusually bitter strife. The Union with Presbyterian Scotland convinced the Tories that the Church of England was pushed closer to the grave. Whig flirtations with dissenters convinced defenders of the Established Church that the overthrow of the constitution was at hand. The outburst of Sacheverell was much more than the afflatus of a popular preacher; it was symptomatic of widespread suspicion. However, the Tories suspected too much. It scarcely needed the discernment of a Defoe to perceive that the Whigs were trading promises for votes. How seriously the Whigs sympathized with dissenting hopes cannot be specified. This party had traditionally been the hope of the dissenters, and it does not seem that the latter could have been consistently deluded. On the other hand, the Whigs have been suspected of deliberately

letting the dissenters down in the matter of the Occasional Conformity and Schism Acts. All in all, the relations of religion and politics in this perfervid reign possessed an intensity only rivaled at times of great stress and never again of such long duration. Perhaps at bottom many religious issues were economic, but the battle cries were religious rather than economic, and if Tory landlords feared and hated Whig merchants, they denounced them less as City octopi than as enemies of the constitution in Church and State.

After the Hanoverian succession, the Whigs, desirous of rewarding the dissenters and of retaining power, did repeal the Occasional Conformity and Schism Acts and promised future improvement. However, when the dissenters moved for the repeal of the Corporation and Test Acts they met the advice that the time was not expedient. What increased the provocation was the government's readiness to appeal to the dissenters on the ground that a change in party would mean worse conditions for them. In the 1730s, 1770s, 1780s, and 1790s the dissenters sought to improve their legal, and hence their political and social status, but only saw their efforts go for naught except for a rather minor concession in 1779.

Their status was complicated by a number of technical factors. The penal laws had made dissent a crime, and a crime it continued, even after the Toleration Act. That Act blunted the edges of the weapon but it did not destroy it. The annual Indemnity Act suspended the weapon but left it hanging like the sword of Damocles. Indeed the courts more than any other agency nullified the penalties levied upon the dissenters for their incapacity to exercise the obligations of citizenship. The most effective defender of the dissenters was Lord Mansfield who, anathema to the American revolutionists as an architect of their slavery, has long suffered from the lights and shadows of Whig historiography. Mansfield virtually ended active punishment for dissent. If the penal acts still prevented complete toleration, dissenters at least could enjoy all the benefits conceded by the Toleration Act. Dissent to all practical intents ceased to be a crime, although it did remain a serious misfortune.

THE ROBINSON-PATMAN ACT AND UNFAIR COMPETITION

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Shortly before the turn of the present century retail merchants in Chicago, through their associations, were agitating for legislation to check the growth of department stores. Their objections centered largely on the cut-rate drug departments. A decade later it was the large mail order houses that were supposedly going to monopolize the retail trade of the country through their low prices. So the retailers in smaller communities staged "Independence Days," when free tickets to local shows, or similar inducements, were exchanged for each mail order house catalogue brought into town. A huge bonfire with appropriate "rites" supposedly eliminated this giant competitor, at least until the next carload of catalogues arrived. Then the chain store became the villain in the competitive drama, and anti-chain legislation was proposed and passed in many states. Even a monopoly for retail locations by the chain stores was seriously discussed, until a Los Angeles grocer conceived the idea of the "Drive-In" type of store. In all cases so far, the threatened monopoly in distribution has always failed to develop. Usually changes in methods of living and consumers' preferences have prevented such a monopoly. Even in 1935 the chain store did only 22.8% of the business of the country, a decline from 25.4% in 1933.¹ Super-markets are already threatening any supremacy by the chain store based on lower prices.

In 1928 active groups of retailers succeeded in convincing Congress that an investigation of the chain store field was needed. After a six-year study the final results of this \$1,000,000 investigation were published. Among other things, the Federal Trade Commission found that chain stores quite generally undersold their independent retail competitors.² While the degree of lower prices varied, an average of 8.1% (8-12%) in the grocery field, and 12.5% (16-17%) in the drug field, the only two fields analyzed, are the most frequently

¹*Census of Business, 1935; Retail Distribution, Vol. 4, "Types of Operation,"* p. 5.

²"Final Report: Chain Stores," pp. 29 and 64.

quoted.³ The investigation also showed that about 83.6% of the lower price (in groceries) could be accounted for by lower margins or increased operating efficiency, but 16.4% was due to lower or discriminatory prices.⁴ For drug stores in the same cities, comparable figures are 91.2% and 8.8%. Price discrimination thus accounted for *some* of the lower prices of chain stores.

Price discrimination! Here was something that had long been declared illegal under the anti-trust laws. It was nothing new in retailing. Long before department stores were even recognized by their modern name, retail cooperatives such as the Frankford Grocery Company of Philadelphia (1868) and the Philadelphia Wholesale Drug Company (1888) had been formed to combat inside prices to favored buyers. Somewhat later, but prior to the recognition of chain store competition, the San Francisco Grocery Company (1901) and the Oakland Wholesale Grocery Company (1912) were formed to cope with the same evil. In addition to direct price discriminations in favor of chains, many indirect forms of discrimination, such as advertising allowances, fake brokerage payments, etc., were found to exist. No doubt the recent depression intensified many of these discriminations in favor of the large buyers. But the depression also begot the NRA with its various retail and other codes.

Food and drug producers have long recognized the value of sampling in stimulating demand. Be it said to their everlasting credit that they practiced their own doctrines, and, once the sample of government aid in lessening the competitive struggles through NRA codes was declared unconstitutional, proceeded aggressively to have more of such assistance. Thanks primarily to the efforts of these groups, functioning as highly organized minorities, we now have the Robinson-Patman Act as the law of the land, with many baby Robinson-Patman Acts soon to appear in the various states. Arkansas already has one in effect. In four other states similar laws have been passed, and at least eight state legislatures planned to consider such acts at their current sessions.

Nor were conditions in Washington last year (1936) entirely unreceptive to proposals purported to protect the small business man from the unjust discriminations accorded to big

³Charles F. Phillips, "The Robinson-Patman Anti-Price Discrimination Law and the Chain Store," *Harvard Business Review*, Autumn Number, 1936, p. 63.

⁴*Ibid.*, p. 64.

businesses. It has been reported that the Administration was not entirely opposed to legislation which, at least in part, replaced the defunct NIRA. Then, too, in an election year, measures sponsored by interests supposedly representing well over sixty percent of the voters in such an important field as distribution are entitled to some consideration. Several bills were introduced in Congress, and after limited hearings by the Committees concerned, the present Robinson-Patman Act was passed and became law on June 19, 1936.

The final Act differs in many respects from the various bills as originally proposed. For example, Congressman Patman's Bill was carefully drawn, especially with reference to quantity discounts, much of which was lost in the final draft. In the final report of the Federal Trade Commission the need for some method of limiting quality discounts was suggested.⁵ This is found in Section 1 (a) of the Robinson-Patman Act. The report also suggested that Section 2 be amended to make it unlawful for any person "... either directly or indirectly to discriminate unfairly or unjustly in price between different purchasers of commodities ..."⁶ How this appears in the new Act will be seen later.

As finally passed, the Robinson-Patman Act really consists of two separate laws, not entirely consistent with each other. One is an amendment to old Section 2 of the Clayton Act, and as such is subject to the other provisions of this Act, including suits for triple damages to injured parties and enforcement by the Federal Trade Commission through hearings possibly terminating in cease and desist orders. The other is a criminal section, which will probably be enforced, if at all, by the Department of Justice. Some analysts believe that the theory of the Act is that the criminal provisions will force discriminations out into the open where they can be dealt with by the Federal Trade Commission. Others believe that the Act will drive discrimination even deeper under cover.

Hardly a statement could be made regarding the Robinson-Patman Act that would not be challenged from some quarter. As expressed by one writer, it "contains a lawsuit in every word." Manufacturers competing in similar goods may bring suits against each other for injurious discriminations. Dealers

⁵*Ibid.*, p. 97.

⁶*Ibid.*, p. 96.

who do not buy from a seller may bring suits, where the seller has discriminated between his customers, who in turn have sold to the ultimate dealer. Although apparently confusingly worded for the most part, previous anti-trust laws were also expressed in broad, general, and undefined terms like those of the present Act. According to one opinion,

"This statute enacts what purports to be standards for the conduct of interstate business and gives to them the positive force of law, leaving them to be enforced judicially, case by case, as transactions deemed to violate those standards occur."⁷

It is probably well that Congress did not undertake to deal specifically with the numerous intricate problems of business competition,—which merely illustrates the immense difficulty of legislative control over the complex activities of modern business. In my opinion Congress is to be commended for converting what was originally a distinctly anti-chain store bill into a broad law which touches practically every phase of commerce, and, at least theoretically, makes possible fair competition for the mass distributor as well as for his smaller competitor. However, much depends upon the administration and interpretation by the courts and upon subsequent reactions of both business and consumers.

It may be well to call attention to a few points in the Act which bear on our subject.⁸ Underlying the meaning of the word "discrimination" is the idea that some relationship exists between the parties to the discrimination which entitles them to equal treatment. If the two are competing in resale of the goods concerned, that relationship exists. The competitive equality of individuals, or injury to an individual competitor, rather than the effect on competition in general, is the important measuring rod of illegality. The Act is aimed at arbitrary differences in price, not based on quality, or those which give to one buyer all the economies resulting from the larger volume of business which his order makes possible. A discrimination may be less than, but must not exceed, differences in cost, which must be computed for the seller's business as a whole, not merely as the result of a single (large) order.

⁷Reprint from *Fortune*, November, 1936: Reynolds Robertson, "The Robinson-Patman Act," p. 4.

⁸Comments upon the legal interpretation of the Act are based primarily upon published material on the subject.

A seller may legally discriminate by refusing to sell to certain individuals or classes of customers (right to select own customers). He may decide to sell only to: (1) a limited number of customers of his own choosing, (2) customers of any given class, and (3) customers who buy in given quantities,—thus eliminating the loss and annoyance of many small orders.

The criminal provisions may not be enforced for some time, if at all, but there are several points of contrast between Section 3 (criminal section) and Section 1. The burden of proof is upon the accused in Section 1, but not in Section 3. Discounts allowed on all purchases of the same quantity do not violate Section 3, but do violate Section 1, unless they reflect corresponding differences in cost. No suits for triple damages may be instituted under Section 3. There can be no criminal prosecutions under Section 1. As a general rule, under Section 3 a seller may not grant any concession if he knows that it is impossible for the competitors of his customer to secure a similar concession from some source.

Section 4 permits cooperative associations to return trading profits to members, producers, or consumers, in proportion to their purchases or sales; that is, patronage dividends are permitted. In all transactions of cooperatives with other than members, the Robinson-Patman Act applies.

Does the Robinson-Patman Act favor fair or unfair competition? From an unbiased and impartial viewpoint the question does not permit of a simple unequivocal answer. According to Professor Malcolm McNair of the Harvard Graduate School of Business Administration, it is "essentially a bill to restrict and prevent competition of a very important kind, namely competition of companies that have made themselves large by reason of the savings they have offered to consumers."⁹ Likewise Professors E. P. Learned and Nathan Isaacs characterize it as a "camouflaged anti-chain store act . . . calculated to *check competition* at a crucial point (apparently economies of mass buying) rather than promote it."¹⁰ "It is an anti-competition statute slipped into the anti-trust laws."¹¹ Yet the Act purports to overcome limitations in old Section

⁹"The Truth About the Robinson-Patman Act," *Institute of Distribution*, p. 18.

¹⁰*Harvard Business Review*, Winter Number, 1937, p. 137.

¹¹*Ibid.*, p. 139.

2 of the Clayton Act, to extend it, and to revitalize it; or as stated by the Federal Trade Commission, "to restore equality of opportunity in business without penalizing service and efficiency."¹² It is primarily an amendment to our major statute against unfair competition. On this, as well as other aspects of the Act, there is room for extreme diversity of opinion. Admitting that any comments at this time may of necessity be in need of modification later because of subsequent developments, let us proceed to an evaluation of the probable and possible incidence of the Act on the matter of unfair competition.

To my knowledge, court decisions to the contrary notwithstanding, no one has as yet satisfactorily defined what is fair, and what is unfair competition. I take as my standard certain implications of competitive economics, namely, that competition working through market price will (1) reward relative efficiency in production and consumption, (2) pass along to consumers gains resulting from progress in manufacturing and marketing, and (3) result in prices approximately equal to marginal costs of production.

To what extent does the Robinson-Patman Act meet these standards? Regarding the alleged objectives of the Act there can be no criticism. Price discriminations are justifiable to the extent that they represent actual differences in cost, and in the main only to that extent. Price differentials should not be allowed to masquerade as advertising allowances, promotional payments, fake brokerage fees, or otherwise. If they are justifiable they should be open and above board, not passing under false colors. However, to the extent that services by distributors are actually furnished, they should be compensated for fairly and not lost in the shuffle of anti-discrimination efforts.

In the past some discriminations, both in price and allowances, have been virtually forced on sellers by insistent buyers. As the Federal Trade Commission's chain store study showed, these were not necessarily the largest buyers, but rather the keenest bargainers. The Act will help sellers to resist these demands by making the buyer also liable. To the extent that this results in discriminations more nearly in accord with the economies involved, this is fair competition. However, there

¹²Annual Report, 1936, p. 12.

is a real danger that fear of not being able fully to justify discriminations will result in restricting their amount. Thus the Act will serve to block fair competition. It may easily prevent the rapid introduction of new and more economical methods of sale and delivery resulting from normal experimentation in marketing. Thus consumers would be deprived of the only important source of progress that competition in marketing has contributed during the past century or more.

The intent of the Act, if not the wording, is clear. So far it has probably worked toward fair competition by causing changes in business policies that were likely to be considered discriminatory. The wholesale cancellation of discounts and allowances, which followed the enactment of the Act, suggests that business met the situation by avoidance rather than by interpretation. However, given time to assemble the necessary cost data, competitive forces will bring a new alignment of price differences based more truly on actual economies. Enforcement will probably lag so far behind violations, especially for the smaller operators, that injustice will be done alike to all honest business men, and to the larger concerns in particular. This is hardly fair competition. The Federal Trade Commission is already swamped with complaints arising under the Act.¹⁸

Focusing of attention on individual price structures and costs should make for fair competition. Open price reporting may be stimulated. Price publicity is certain to increase, if for no other reason than as a possible defense against future attack. In general, a better knowledge by all of individual prices and distribution costs should make for fair competition, especially when coupled with the power to force price differentials into line with cost differences.

The Act was sponsored and supported by independent retailers to lessen the severity of competition from their stronger rivals. I may be out of harmony with the times in favoring merit, efficiency, and the interests of the consumers over subsidies to inefficiency and the interests of special groups, but to me the Robinson-Patman Act as finally passed offers a challenge to mass distributors, consumers, and others interested in economic progress to demand the fair competition which it is supposed to insure.

¹⁸*United States News*, March 29, 1936, p. 16.

It is no secret to marketing men that for years the majority of small orders have been handled at a loss. Stated bluntly, the large operators have in effect been subsidizing the small retailers of the country. Under the new law, price and other differentials are supposedly related to costs. Let the mass distributors accept the challenge and demand the full differential to which their "differing costs of manufacture, sale or delivery" entitle them. This is fair competition, price corresponding to costs of production, rewards for efficiency, and competitive gains accruing to consumers.

While theoretically, economically, and legally sound, this line of development is not likely to materialize. For political, administrative, and possibly other reasons, the law will never be fully enforced against the small distributors, and in fact will be merely a form of unfair competition against the large companies. This is so patent as to deserve no further comment.

The next probability seems to be that, uniformly enforced only against large distributors, it will somewhat lessen their buying advantage. Will this equalize competition with the small retailer? Not until all men are created equal economically as well as politically! Forced to replace their former bargaining power with other more economically justifiable economies, mass retailers will reduce operating expenses and become even keener competitors for the small retailers. Again appears the boomerang of substituting political for economic forces in the competitive struggle!

And finally, two forms of cooperatives deserve consideration in this connection. How do dealers' cooperatives or voluntary chains figure in the picture? To an extent probably unappreciated by consumers, these organizations have depended on price concessions resulting from mass bargaining rather than on operating efficiencies. When coupled with the widely accepted fact that they cannot guarantee cooperation in furnishing advertising and other promotional services comparable to the corporate chain, nor can they offer economies resulting from "differing methods of sale or delivery" that equal the chain store, it may readily be seen that they stand to lose, rather than to gain, by an enforcement of the Act which is true to its stated objectives and wording, rather than to the wishful thinking of its sponsors.

Now consider the ultimate of ultimates. Assume that everything possible breaks in favor of the small distributors, and

contrary to truly fair competition and consumers' interests—what happens? A rise of consumers' cooperatives. Consumers make up close to 100% of the voters, whereas small scale distributors hardly account for 50%. Consumers' cooperatives abroad have played no small part in politics, as well as in distribution. Section 4 of the Robinson-Patman Act was stated in the Congressional Hearings to be intended as an encouragement to this method of distribution. Surely the Administration has not been aimless in its sponsorship of the investigation of the cooperative movement abroad. If the small retailers ever eliminate the efficient mass distributors who have so far successfully made consumers' cooperatives in this country unnecessary, then they will have occasion to realize what competition, both economic and political, really means.

In conclusion, the Robinson-Patman Act may further either fair or unfair competition, depending mainly upon three groups of factors: (1) actual interpretation and enforcement, (2) cooperation or opposition of business, and (3) reaction by consumers. It illustrates both the difficulties and dangers of attempting to substitute political pressure for economic forces. It shows only too clearly the need for a Federal Department of Consumers, comparable to the Department of Labor and the Department of Commerce, to place the protection of consumers' interests on an equal footing with that of the other major groups. It is the next logical development, on the one hand in our anti-trust type of social control, and on the other hand of the "protest" method of meeting competition. When viewed as anti-consumer legislation, it appears to be a perfect example of the futility, in the long run, of an ill-advised attempt to undertake legislation counter to sound economic developments. If, contrary to present probabilities, the Act is enforced according to sound economic, rather than political considerations, it may be a boon to economic progress in the interests of consumers, to democracy based on competitive economics, and to business progress. However, as a parting shot, this last statement may need to be qualified, because wishful thinking may soon be condemned by the SEC as unwholesome speculation "not consistent with the existing emergency."¹⁴

¹⁴In the discussion following the presentation of this paper at the Southwestern Social Science Association Convention, the analogy was drawn between the Robinson-Patman Act and regulation of railroad rates. It is true that a fairly rigid system of rate regulation grew out of what

was originally an attempt to prevent rate discrimination. But here the analogy ends. Manufacturing and marketing industries have yet to be shown to be "natural monopolies" like the early railroads. Varying costs of production are more important in the former fields. Different products do not have the same degree of interchangeability that railroad services had. Buying is not almost entirely on a price basis between commodities and selection of distributors as it formerly was with the railroads. And finally, manufacturers and distributors in general have not as yet been declared to be industries "affected with a public interest."

SUMMARY OF THE HISTORY AND PRESENT STATUS OF PREFERENTIAL VOTING IN STATE DIRECT PRIMARY SYSTEMS

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Preferential voting is a device whereby a voter in a primary or general election may indicate on his ballot a first and second choice, and, it may be, more choices as to candidates for a particular office with a view to combining or transferring choices when the votes are counted in such a way as to produce at least a nominal majority in favor of a particular candidate. This type of voting has been used in general elections in a number of local government areas in the United States, and at one time or another has been employed in the direct primary election systems of eleven states. While it is still in use in some local elections, *it has been abandoned for primary purposes in all the eleven states except one,—Maryland.*

The following table will show at a glance the history of its use in primary elections:

State	Adopted	Abandoned	Plan Now Followed
Washington	1907	1917 (Repealed)	Plurality System
North Dakota	1911	1913 (Repealed)	Plurality System
Idaho	1909	1919 (Repealed)	Plurality System
Wisconsin	1911	1915 (Repealed)	Plurality System
*Florida	1912	1929 (Repealed)	Run-off Primary
Maryland	1912	Still in use	
Minnesota	1912	1915 (Repealed)	Plurality System
*Alabama	1915	1931 (Repealed)	Run-off Primary
Indiana	1915	1917 (Repealed)	Plurality System
*Louisiana	1916	1922 (Repealed)	Run-off Primary
*Oklahoma	1925	1926 (Unconsti- tutional)	Run-off Primary

*It will be noted that in the four southern states, which have abandoned the preferential primary, the run-off primary has been substituted. Moreover, there are, in all, ten states now using the run-off primary, namely, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. Arkansas adopted the run-off in 1933 and abandoned it in 1935.

In Maryland preferential voting is used to instruct delegates to the state party convention, the successful candidate being determined by dropping the lowest candidate and distributing his votes among the remaining candidates according to second choices registered for them and continuing this process until one candidate receives a majority or until two remain; in which case the highest is designated as the nominee.

In all states which have used the preferential primary the voter has been permitted to indicate two or more choices for each office to which nominations were made in the primary, but the method of counting the choices has differed from state to state. For instance, in Alabama and North Dakota, if no candidate for a particular office received a majority in the primary election, all but the two highest were dropped in the count and to their first choice votes were added all second choice votes registered for them in the primary. In Florida the same procedure was followed, except that the second choice votes indicated on the ballots on which first choices were given to the highest were not added. Minnesota followed the Hare Single Transferable Vote plan in which low candidates were successively eliminated and the second and other choices thus released were transferred until only one or two candidates were left; if two, the highest was declared the nominee. According to this plan, a voter had no more than one of his choices finally counted. Other plans were either to add all choice for a candidate giving first, second, and third choices equal weight, or to weigh a candidate's first choice votes as worth one vote each to where were added his second choice votes weighted as one-half vote each and his third choice votes weighted as one-third vote each, the candidate receiving the highest total being the one nominated.

The reasons commonly assigned for the abandonment of the preferential plan have been as follows:

1. All states except Alabama and Oklahoma did not require the voter to register more than a first choice for any office. It seems to have been quite common in all the states indicated above that a great many voters failed to avail themselves of the privilege of registering second or more choices, which resulted in the practical restoration of the plurality system in many primary races. This failure was due to several causes: ignorance of the voter; his desire not to have his vote counted for any but his first choice; or his refusal to accept what was thought to be a complicated system, which, it was felt, could be easily corrupted or readily subject to mistakes in the count, or which seemed to provide for an unfair method of evaluating choices.
2. Failure of party leaders and officials to educate the public in the use of the preferential feature, due partly to their opposition to it as a complicated device and one the results of which could not be easily anticipated.
3. In Oklahoma, where the preferential system was declared unconstitutional (*Dove v. Ogleby*, 244 Pacific 798, 1926), the law made it compulsory on the voter to indicate more than one choice for each office, and the court held this an unwarranted interference with the voters freedom of choice. It may be added also that Alabama did not permit "single shot" votes to be counted.

Preferential voting has much to commend it provided the proper system is employed and the voters are trained to use it intelligently. Applied to the primary, it eliminates the trouble and expense of the run-off primary and probably would lead to as good if not better final choices. It also extends the influence of the voter in the sense that his vote is not completely lost if he casts his first choice for a candidate who loses the race in the end. This is particularly true of the *Ballot Box* Single Transferable Vote plan, which is probably the system most widely approved by students of preferential voting. At best, however, any scheme of preferential voting, even with the voters using all their choices which they are not at all likely to do, is merely a method of creating only a nominal majority and not a real majority. Most of the states follow the simple plurality plan. The weight of opinion and experience in the southern states, where it is more important to have a majority choice in the primaries, seems to be in favor of the run-off election. The run-off primary has steadily gained; the preferential primary is practically a dead letter. Another possibility is to allow the party conventions to decide in favor of some candidate in all races where no candidate has received a majority or a fair-sized plurality. This idea is now in use in Iowa and South Dakota and is applied when no candidate in a given primary race receives as many as thirty-five per cent of the total vote cast for all candidates for the office. Texas once followed a somewhat similar but much more complicated scheme, designed to insure majority nominations, which was abandoned in 1907 in favor of the plurality system; after which the present run-off system was adopted.

Experience in Texas seems to show that the existence of the run-off primary has encouraged more candidates for important state offices to enter the first primary, and it is not uncommon for the candidate who ran second in the first primary to win in the run-off. Similar results from the preferential primary, however, are possible. Certainly, preferential voting would not discourage a multiplicity of candidacies, and it might easily cause a candidate who secured a plurality of first choice votes to lose to another the total of whose first and second choice votes would equal a majority. The basic reason for both the preferential primary and the run-off primary is to eliminate the lesser candidates who divide the vote and prevent a majority choice. There are, as a matter of fact, two other

quite different remedies for this evil, which have been tried elsewhere. One is to require a large number of signers to all petitions to allow candidates' names to go on the primary ballot. The other is to require a large deposit from all prospective candidates before permitting their names to appear on the ballot, which deposit is to be forfeited in the case of any candidate who fails to win some respectable number of votes to be fixed by law. Either or both of these devices would inevitably discouraged frivolous candidacies.

NOTES FROM THE SOUTHWEST

LOUISIANA

Louisiana Polytechnic Institute—Assistant Professor Robert W. Mondy spent his Christmas vacation sight-seeing in Mexico City and other interesting places in Old Mexico.

The Tech press has just released an *Outline of English History*, by Associate Professor John E. McGee. Dr. McGee has devoted prominent attention to intellectual developments and has organized his volume on the basis of large structural units.

Professor G. W. McGinty addressed the Women's Department Club of Shreveport on February 11. His subject was "A Comparison of Rural Life in Denmark with that in Louisiana." On February 17 he addressed the Shreveport chapter of the American Association of University Women on the subject, "Our Economic Order in the Light of International Relations."

MISSOURI

William Jewell College—Dr. William C. Smith of the Department of Sociology will be visiting professor of sociology in the summer session of the University of Kansas. Edwards Brothers, Ann Arbor, Michigan, are publishing this spring *Americans in Process: A Study of our Citizens of Oriental Ancestry*, by William C. Smith.

OKLAHOMA

University of Oklahoma—Dr. Karl D. Reyer, Associate Professor of Business Administration, will teach courses in merchandising and advertising in the summer session at Louisiana State University.

Dr. Ronald B. Shuman, Assistant Professor of Business Administration, will teach at the summer session of the University of Denver.

Dr. Alfred B. Thomas, Associate Professor of History, has received a grant from the Social Science Research Council for historical research in Mexico. Dr. Thomas plans to spend the summer in Mexico.

Dr. S. R. Tompkins, Associate Professor of History, has received a grant of \$1,000.00 from the Social Science Research

Council for research in the U. S. S. R. during the summer.

Dr. J. J. Rhyne, Director of the School of Social Work, and Mrs. Rhyne will teach classes in sociology and social work at the Asheville (N. C.) Teachers College during the summer session.

Professor Allen Belden of the Geography Department will teach courses in geography in the summer session of the University of Missouri.

Dr. Frederick L. Ryan, Associate Professor of Economics, has been appointed Special Representative of the United States Employment Service for Oklahoma.

TEXAS

Agricultural and Mechanical College of Texas—Members of the staff of the Division of Farm and Ranch Economics, Texas Agricultural Experiment Station, have completed three manuscripts which should be available in the near future as station bulletins. The first, "Statistics of Texas Agriculture," is a compilation from various reports of the U. S. Department of Agriculture and of the Bureau of the Census of statistical data pertaining to Texas agriculture; the second, "A Description of Texas Agriculture and Type-of-Farming Areas," presents a graphic description of Texas agriculture, and also serves as a revision of Texas Agricultural Experiment Station Bulletin No. 427, "Type-of-Farming Areas in Texas" (1931); and the third, "Possible Savings Through Changes in Local Government," presents the results of a study of local governmental costs and services in 38 rural Texas counties.

Our Lady of the Lake College—The national trustees of Pi Gamma Mu, national social science fraternity, have approved Our Lady of the Lake College for a chapter of the fraternity. Approval was made by the trustees in Chicago during the Christmas holidays.

The International Relations Club of Our Lady of the Lake College debated the International Relations Club of St. Mary's University. The question was *Communism*.

Southern Methodist University—Professor E. J. Foscue of the Departments of Geography and Geology will teach geography at the University of Nebraska this summer.

Professor Karl E. Ashburn will teach economics at the East Texas State Teachers College for the first six weeks this

summer and will spend the last six weeks in Washington, D. C.

The Institute of Public Affairs of Southern Methodist University will hold its fourth annual conference in Dallas during the week of April 26. The meeting will be sponsored by the Carnegie Endowment for International Peace. The Arnold Foundation of Southern Methodist University will act as the organizing agency of the conference. Dr. S. D. Myres, Jr. is the director of the Arnold Foundation and Professor of Government at Southern Methodist University.

Professor S. H. Moore will retire from the Department of Economics in June, having reached the retirement age of seventy. Professor Moore has had a long and honorable career as Professor of History at Southwestern University, (Georgetown, Texas) and as Professor of Economics at Southern Methodist University.

University of Texas—Professor J. R. Manning of the Texas College of Arts and Industries is serving as Assistant Professor of Banking in the School of Business Administration during the second semester of the 1936-37 school year.

Mr. J. B. Pope and Mr. G. C. Hill are serving as part-time instructors in accounting during the second semester of the current year.

Mr. Lanier Cox and Mr. J. Martin are taking the place of Professor L. G. Blackstock, who is on leave of absence during the second semester of 1936-37.

NOTES FROM THE ANNUAL MEETING

We are instituting with this issue an innovation, which consists of brief summaries of the materials given in each of the sections at the recent annual meeting held in Dallas. Since the Association does not publish a PROCEEDINGS, some members of the association feel that brief summaries of the materials given in each section should be published in the June issue of the *Quarterly*. With the exception of a few summaries by authors of the papers, all summaries were prepared by the section chairmen.

ACCOUNTING

Nine Texas colleges and universities were represented at the opening session, a breakfast arranged by the Texas Association of University Instructors in Accounting, the only such organization in America. They were hosts to representatives from six other states.

President Nelson of the Texas Society of Certified Public Accountants was Chairman of the first regular session. The friendly co-operation of this practitioners group with the Texas professors impressed members from other states. From the reports given concerning accounting education in six states, features of interest to teachers of other subjects were:

(1) general comprehensive examinations for students majoring in accounting at University of Arkansas;

(2) primary reliance upon practicing certified public accountants for instruction at University of Denver;

(3) the creation of difficult problems for Texas senior colleges and universities offering advanced professional accounting training, caused by the widespread junior college movement in that state without effective standardization of elementary accounting courses; and

(4) the keen interest shown in the general discussion of the possible spread to the Southwest of the New York State requirement that none but college graduates may be accredited by the State Accountancy Board as Certified (competent) Public Accountants.

The Friday afternoon session was notable for including for the second year a representative from Colorado. All papers at this meeting reflected the current preoccupation of accountants with the problems of adapting their techniques to the immensely expanded field of governmental administration.

In his paper on the Federal Undistributed Profits Tax on Corporations, Professor Root went beyond the effects on the techniques of accounting (improved budgetary practices, more informative and more frequent financial reports) and emphasized the social effects consequent upon altered corporate policies concerning financing and expansion.

The prevailing uncertainty or confusion within long established state administrative units, with respect to their effort in assisting with the administration of the newer social legislation, was contrasted by the Texas Assistant State Auditor with their existing ability and readiness to help whenever the state legislatures decide to so assist and provide added funds to enlarge the investigational staff. Professor Blocker of Kansas impressively emphasized the immediate absolute necessity of state supplied budgetary and accounting manuals for use of county officers in order to rationalize local government services and finances; and the long run necessity of both enlarging the government units and providing better quality of personnel for local officers.

Professor Borth pointed out that when accounting is to be used for government regulation of business concerns, the conventional accounting valuation rules and reports must be changed at many points in order to be consistent throughout with the governmental objectives.

At the Joint Session with Sociology it was emphasized that Accounting is not only ethically essential to assure honest application of monies entrusted to social agencies, but that the accountants' technique of profit and loss calculation is essentially a means of evaluating favorable and unfavorable features of any situation, and if imaginatively applied, might be an addition to sociological research technique for identification of dependent areas of cities, or of states in such problems as that of relief and old age assistance administration.

The Section Chairman and association members active in the accounting program seemed generally agreed that their faith in eventual support for their unique efforts to establish and maintain an accounting group as part of a *Social Science Association* (definitely breaking away from the tradition of accounting as merely mathematical and technical), was completely vindicated by the exceptionally large and widespread attendance and discussion on topics which were all confined to the social implications and applications of Accounting.

Heartening evidence, from outside our territory, that an Accounting Program from the *social* viewpoint is in fact a needed pioneering venture, came from the action of the American Hospital Association in sending Professor Rovetta from Chicago to participate in our southwestern program and to report back our findings concerning Accounting as an aid to sociological research and social service action.

BUSINESS ADMINISTRATION

Professor Stockton in his paper pointed out that during the 1921-22 depression new corporate financing paralleled changes in both industrial production and the stock market. Throughout the major cycle of the twenties new corporate financing paralleled the index of stock prices, but departed rather widely from the index of industrial production. During the depression of the thirties practically no new corporate securities have been issued. Three years of liquidation following a period of large security issues left businesses in general with large cash balances. Recovery apparently has been financed by cash in corporation treasuries, although it appears that further expansion will necessitate the issuance of new securities in considerably increased volume.

In the paper read by Dean C. C. Fitchner it was pointed out that the expansion of U. S. debt from \$16 to \$35 billions in the last six fiscal years has been associated with large emergency expenditures. Because of expansion of regular functions and transfer of "emergency" to "regular" functions, Federal expenditures are on a new high plateau for the indefinite future. The planned budgetary balance for 1938 is approached, not by curtailment, but by an astounding rise in tax receipts. Because increase in tax receipts has a doubtful basis, a balanced budget in 1938 is not a strong probability.

Operation of Social Security funds will place the Treasury on a cash basis long before the budget is balanced. Social Security funds will accelerate demonetization of U. S. bonds in the banks but do not provide a sinking-fund for the debt.

While technical limits of debt expansion have not been approached because reflation has been tolerated, evidence accumulates that the time has arrived for a definite reversal of "pump-priming." Reversal of policy implies debt repayment with all possible speed to establish Federal credit for the next war or depression. The Treasury has important controls over

bank reserves and the money market which might to advantage be relinquished to the Federal Reserve.

Professor H. L. McCracken discussed "The Corporation Surplus Tax in its Relation to the Business Cycle." He pointed out that the Revenue Act of 1936 placed a special tax on the undistributed net earnings of corporations. The double purpose was to secure more revenue, and to close the avenue to wholesale tax avoidance by retaining earnings instead of declaring dividends which would be subject to personal income tax.

A proper appraisal of the merits and demerits of the new tax centers around the following issues:

1. Did the old tax work an unjust discrimination? Yes.
2. Does the new tax eliminate or decrease this discrimination? It diminishes the discrimination, but would have been fairer to the corporation had the capital stock tax and excess profits tax been eliminated.
3. Will the new tax discourage or prevent the accumulation of adequate reserves and surplus? Somewhat, but with deductions for bad debts, depreciation, et cetera, it should not be serious.
4. Will the tax promote monopoly, i. e., will it weaken the weak and strengthen the strong? Probably somewhat, but not seriously.
5. Does it substitute government control for the seasoned judgment of Boards of Directors? Yes, the government sits in on the Annual Meeting and casts a heavy vote for dividends as against surplus. Law needs amendment to place government in neutral position.
6. Will it accentuate booms and depressions? The old law did this by stimulating saving beyond that needed for upkeep and expansions, and beyond that called for by the normal rate of interest. The new tax may lead to under-saving and greater instability by penalizing the retention of earnings.

Professor M. H. Hornbeck discussed "A Ratio Analysis of Failed Banks In Louisiana."

Certain ratios were applied to the balance sheets of 24 state banks over a period of five years preceding failure. As a test, similar ratios were derived for all state banks in Louisiana, all national banks in Louisiana, and all country member banks of the Federal Reserve System. The ratios of loans and dis-

counts to total deposits, of loans secured by mortgage to time deposits, and of bills payable to net worth, were exceedingly unfavorable for the failed state banks throughout the period, as compared with the three groups used as standards. The ratio of loans, discounts, and investments to total deposits, although satisfactory for the failed banks in the first year studied, became unfavorable as compared with the others for the four remaining years. No significant differences were found in the four groups of banks with regard to the ratios of (1) total deposits to net worth, (2) loans, discounts and investments to net worth, (3) fixed assets to net worth, and (4) cash and due from banks to total deposits.

The thesis of the paper read by Professor Sollenberger was that automatic control over money by the free play of market forces at best is relatively short in duration; for, under the force of changing circumstances it has had to give way to discretionary control by public authority. In other words, after a time, there sets in a drift toward monetary management.

While the paper recognized that monetary management has been more or less in evidence ever since the ancient governments assumed responsibility for the coinage of metals, it was concerned primarily with tracing the breakdown of the so-called automatic control over money under the international gold standard system. It regarded the events of recent years as being so revolutionary in character as to mean the probable end of rigid fixation to gold as a limitation to monetary management. However, after making an analysis of the results of the great increase in the price of gold, it held to the view that the present level can hardly be maintained and that sooner or later the price of gold will have to be lowered. Furthermore, the paper presented an analysis of the newly created exchange equalization funds, and expressed the opinion that they will form another elastic link between gold and money and between national monetary systems.

Finally, it concluded that, with conditions in the world as they are today, there is no other satisfactory alternative in the attainment of some acceptable objective for "the constant exercise of knowledge, judgment and authority" in the control of money.

Summaries of other papers read in the Business Administration section were not received.

ECONOMICS

The 1937 economics sectional meeting was one of the most successful in years, due to the high quality of papers and panel discussions. Both the Friday morning and the Friday afternoon sessions were well attended, and the additional seating space for some thirty visitors was needed. The four topics discussed at the economics sectional meeting on Friday were "The Cooperative Movement in the United States," "Bank Credit Inflation and Its Control in the United States," "Labor Relations in the Southwest," and "The Struggle Between Fascism and Communism in Europe." These topics proved to be unusually popular and the principal papers gave evidence of thorough preparation and thought. They were well prepared, well delivered, and universally appreciated. The members of the panels gave most satisfactory discussions and justified the use of the panel system for the first time in the economics section. Members of the audience entered into the general discussion enthusiastically, and everyone who attended the Friday meeting gained considerable information concerning the four topics under discussion.

Principal speakers and panel members were selected for participation on the economics program on the basis of their interest and knowledge of the particular topic. Dr. George F. Warren, former monetary adviser to the Federal Government, and Dr. J. E. Goodbar, distinguished monetary student and author of *Managing the People's Money*, participated in the general discussion relative to bank credit inflation Friday morning. Their remarks were highly appreciated by those present. S. S. White of the Ladies Garment Workers Union made some interesting comments on labor conditions in the southwest following the panel discussion of Dr. Edwin A. Elliott's paper, Friday afternoon.

Much credit for the smooth functioning of the economics program is due to the two presiding officers and the panel chairmen who saw that the program moved along according to the agreed time schedule.

At the business session Friday afternoon, Professor S. A. Caldwell of Louisiana State University was elected chairman of the economics section for 1937-38 and Professor Frederick L. Ryan of the University of Oklahoma, economics editor of the *Quarterly*.

The joint session with the business administration section Saturday morning was a very profitable one. This program was prepared by Professor James C. Dolley of the University of Texas. The two principal papers at this session were first-rate in every respect.

GOVERNMENT

The names of twenty-six different persons, including the chairman and the presiding officers, were on the two sectional programs and the joint session with History. Due to the splendid response of those invited, only two minor changes were made in the program as printed. Each paper was not only presented in full, but there was ample time for discussion.

The Friday morning session was devoted to current movements and to contacting the public. Three of the papers considered the problems of conducting public forums, cooperating with municipal officials, and serving as a fire and police commissioner respectively. The fourth paper dealt with unicameralism in Nebraska, its adoption and operation to date. These papers presented a vivid picture of various difficulties confronting one who participates actively in public affairs.

The Friday afternoon program was devoted to current research projects in the southwestern states. One paper applied to all of these states, one to the arid regions, and the others to Louisiana and Texas respectively. These papers presented clearly recent data on four important phases of state government and administration.

The joint session was devoted to the general subject of Foreign Affairs. Three papers were of special interest to all Americans, viz., neutrality, reciprocal trade agreements, and certain Latin-American policies. The fourth paper dealt with German colonial demands, a subject of world-wide interest. This excellent program was arranged in cooperation with Professor Tom H. Reynolds, History Chairman.

In preparing the program, the Chairman tried to select topics that were appropriate and interesting without duplicating recent ones. He also tried to distribute the personnel fairly among different states, and among their various educational institutions. Texas had nine participants; Oklahoma, six; Arkansas, three; Missouri, three; Louisiana, two; and Illinois, Kansas, and Nebraska had one each. The Chairman was unable to secure anyone from Arizona, Colorado, or New

Mexico, and three Kansans were unable to attend. There were eleven participants from six different state universities; twelve from eleven other colleges and universities; and three who are temporarily identified with other organizations. A majority of the papers were presented by new men.

The Chairman is under obligation to numerous friends for recommending both personnel and subjects. He hopes that his successor, Dr. A. L. Powell, of Louisiana State, may receive similar assistance. Perhaps suggestions of younger men, colleagues, and former students in other institutions will be most helpful. It will assist them in securing public recognition and enable the Chairman to introduce new blood into the program.

HISTORY

In the History section held Friday morning, March 26, Dr. J. B. Thoburn presented a paper on early civilization in the southwestern states. Dr. Thoburn gave the results of archaeological excavations. The remote civilizations, their culture, their art and the series of waves of population which swept over the southwest were treated in a very effective manner. Archaeological exhibits were used to illustrate the ancient cultures and other characteristics of the earliest man in the region.

Dr. Cyrus N. Ray of Abilene, Texas, presented a paper along the same line. Dr. Ray is a contributor to American archaeological journals. His excavations were in the Abilene region. He presented photographs, and other illustrations of the types which came under his observation.

Professor Ford gave a paper on the southwestern frontier during the period from 1868-1914. Population trends, vocations, and various racial mixtures of the region were discussed. Professor Mullett of the University of Missouri devoted the time allotted to him to the religion and politics of England from 1660-1715. Constitutional and religious aspects of the parliamentary struggle were reviewed.

On Friday afternoon Professor Dorsey Jones of the University of Arkansas presented an interesting paper. Mrs. Harris of the Denton, Texas, State College for Women presented a paper on the relations between the Mexican Republic and the United States, 1842-1845. Mrs. Harris used original sources of Mexico and the United States. She gave the Mexican

angle of the foreign relations with the United States. The expansionist views of the Americans and the attitude of Mexico also came under consideration.

Professor Trexwell of Southern Methodist University discussed the drafting of slaves during the Civil War years. Professor Trexwell used valuable papers and manuscripts of the Confederacy to illustrate the attitude of the planter class toward giving their slaves to the Confederate authorities for the purpose of digging trenches when Federal troops began an invasion of the South. Many planters contended that the slaves were needed to raise crops.

Dr. Case of Rice Institute, Houston, Texas, discussed the French attitude toward the Confederacy. The materials presented have been available only since 1920, and no one had made a previous study of the information.

The third sectional meeting was a joint program given by Government and History. The general topic was Foreign Affairs. Four papers were read. Dr. Harshbarger of Bethel College, Kansas, gave a very interesting paper on "Can the United States be Neutral in the Next War?" Mr. Harshbarger re-defined neutrality for twentieth century relations and named the conditions which the United States must meet if the country is to steer clear of European wars.

Dr. J. Lloyd Mecham of the University of Texas gave a paper on the "Good Neighbor Policy." The point was made that good fellowship and trade increases do not necessarily go together. The speaker made a study of trade statistics, giving imports and exports of the various Hispanic American countries both before and after the Good Neighbor policy was inaugurated. There has been no appreciable increase in trade with those countries as a result of the Roosevelt-Hull policy. Dr. Mecham also stated that the effects of the policy are of questionable value, since the countries to the south have not all ratified existing treaties. Many other barriers in the way of peaceful relations exist. The Chaco and other disputes may flare up again. Trade barriers also continue to stand in the way of better understanding.

Professor Miller of Houston University presented a paper on historical criticism, taken largely from sources other than history.

Professor Askew gave an interesting paper on the Pre-War years.

Professor Hawkins of Oklahoma A. and M. College spoke on the necessity for colonies for Germany. He pointed out that unless such colonies were given to her that population pressure might result in war. This statement led to heated argument. It was contended by some of those present that colonies do not necessarily result in the prevention of war as they are too costly. It was pointed out that raw materials might be secured in other ways.

HUMAN GEOGRAPHY

The program of the Geography Section began with the presentation of a series of films taken in Baffin Island and along neighboring shores in the Arctic islands north of North America. The pictures gave vivid impressions of the character of the land, its climate and wild life, and the lives of the Eskimo who inhabit that region. Dr. Adams had taken the pictures, and he discussed them briefly as they came upon the screen.

Dr. Hanson discussed the value of cultural landscape studies by geographers. They involve description of the cultural pattern of the area and explanation of the relation between cultural features and the physical environment.

The rise and decline of Thurber, Texas, was discussed by Miss Floyd. This city, located in the Western Cross Timber section, was long an outstanding coal mining community, but the mines are no longer worked and such subsidiary industries as brick making and foundry and machine shops have shut down. The once thriving city has lost its "reason for being" and is being wrecked to provide materials for construction elsewhere.

Dr. Browne read a paper describing an important sugar cane growing area located near Tampico, Mexico. He traced the development of the industry there, and described the methods employed in growing the cane and in making sugar. Lantern slides showing pictures taken in the area and graphs were used as illustrations.

Mr. Keso gave a geographic explanation of the growth and great prosperity of the ancient city of Carthage. It was a commercial and industrial center which long ruled the lands about the western Mediterranean, but finally fell before the rising power of Rome.

A map showing the distribution of Mexican population in United States was presented and discussed by Miss Mantooth. Most of these people live and work in areas near the Mexican border, but they are also numerous in the Chicago district and in sugar beet growing sections of the country.

Mr. Belden drew a distinction between the primary and the secondary functions of cities. The former attracts new wealth to the city or creates it within the city limits, and thus contributes to the support of population there. Secondary functions, on the other hand, merely redistribute buying power among the population. He presented and discussed two maps which showed in a graphic way the relative volume of retail trade of Oklahoma cities having more than 1000 population with areas outside the city limits.

At the joint meeting of the Human Geography and Agricultural Economics sections Dr. Johnson read a paper describing methods of purchasing farms through payments in kind. The contracts of purchase stipulate annual payments in cash crops or other farm products rather than payments to be made in dollars. This form of contract frees the purchasing farmer from the hazards due to changes in the money value of his products. It is obvious that many thousands of our farmers who were paying for land when the great depression came could have met the terms of this type of contract, but were unable to make the money payments required because of the decreased value in dollars of their products.

Mr. Paine and Dr. Beaumont of the Federal Resettlement Administration presented papers on land classification. They urged the necessity of classifying all the land of the country and designating the use or uses to which each type should be put. It is a well known fact that land can be greatly damaged by improper utilization. Millions of American farms have been ruined in this manner, and the speakers feel that unless such ruthless exploitation is prevented it will lead to general devastation of our land and even threaten the continued existence of our civilization.

SOCIOLOGY

In addition to research papers, an Orientation Course round table and a Tenancy round table, four new features characterized the program of the Sociology Section: (1) an exhibit

of maps, charts, and other research and instructional materials from the southwestern area, (2) a special round table for faculty and other representatives of teachers' colleges, (3) special meetings (two) for sociology students, especially upper division and graduates, and (4) a joint session with the Accounting Section.

Attendance at these special-interest meetings was as follows: teachers' colleges, 9 faculty members from 5 states; students, 43 and 16, respectively, from 9 institutions in 4 states; joint Sociology-Accounting meeting, attended also by social work representatives, 91. A prolonged conference dinner preceding the teachers' college round table halved the attendance of this group, while lack of space resulted in turning away a number of persons from the joint program with Accounting and Social Work.

In all, 129 different persons attended the meetings of the Sociology Section. These were distributed as follows: (1) teachers of sociology, 40 (Texas 18, Oklahoma 8, Arkansas 5, Kansas 3, Louisiana 3, Missouri 3), (2) students, 43, (3) social workers, 13, (4) accountants, 17, and (5) visitors, including guest speakers, 16. This exceeds by 70 percent the attendance for any previous year.

Professor Alvin Good, Louisiana State Normal College, was named by the members of the teachers' college round table to set up another special program for teachers next year.

Officers for the newly organized student sociology group are: David Steinicke, Southern Methodist University, Chairman; LaNelle Horne, Texas State College for Women, Secretary; C. Wright Mills, University of Texas, and William Fuson, University of Kansas, elected members of the executive committee.

Officers of the Southwestern Sociological Society, formerly the Sociology Section of the Southwestern Social Science Association, are: Carroll D. Clark, University of Kansas (representing state universities), President; Walter T. Watson, Southern Methodist University (representing denominational and private schools), Past Chairman; W. H. Metzler, University of Arkansas, Secretary; Ross Compton, North Texas State Teachers College (representing teachers' colleges), and Harold C. Hoffsommer, Louisiana State University (representing agricultural and women's colleges), elected members of the executive committee. The new Society retains its rela-

tionship as a member section of the Association, but with changed name and official designation of its chairman as President as permitted by the new constitution.

**EIGHTEENTH ANNUAL MEETING OF THE SOUTHWESTERN
SOCIAL SCIENCE ASSOCIATION**

The eighteenth annual meeting of the Southwestern Social Science Association was held in the Baker Hotel, Dallas, Texas, March 26 and 27. The program, corrected as far as possible, was as follows:

FRIDAY, MARCH 26, 7:30 A. M.

Accounting Section Room 4

Breakfast Session, Joint Meeting of Accounting Section with Texas Association of University Instructors in Accounting.

Chairman: A. L. Boeck, Texas Christian University. (Breakfast, \$.75)

FRIDAY, MARCH 26, 9:00 A. M.

Accounting Section Room 4

Presiding: Chester F. Lay, University of Texas.

Business Session.

Chairman: H. T. Nelson, President, Texas Society of Certified Public Accountants.

Round Table: *Conditions and Problems of Accounting Education and Practice in the Southwestern States.*

Arkansas, Walter B. Cole, University of Arkansas

Colorado, Dean Clem Collins, University of Denver

Kansas, J. G. Blocker, University of Kansas

Louisiana, E. A. Salliers, Louisiana State University

Oklahoma, D. L. Barnes, University of Oklahoma

Texas, Dean Monroe S. Carroll, Baylor University

FRIDAY, MARCH 26, 9:00 A. M.

Agricultural Economics Section Room 314

Chairman: O. R. Johnson, University of Missouri.

Subject: *Local Government and Farm Taxation.*

First Paper: 9:00-9:30

Local Government Expenditures in Missouri, C. H. Hammar, University of Missouri.

Second Paper: 9:30-10:00

Relation of County and Local Government Organization and Finance to Government Services, C. O. Brannen, University of Arkansas.

Third Paper: 10:00-10:30

Possible Savings Through Consolidation and Reorganization of Counties, H. C. Bradshaw, Texas A. & M. College.

Discussion Leader: J. T. Sanders, Resettlement Administration.

General Discussion: 11:15-12:00

FRIDAY, MARCH 26, 9:00 A. M.

Business Administration Section Room 2

Chairman: Dean James B. Trant, Louisiana State University.

The Robinson-Patman Act and Unfair Competition, P. C. Kelley, University of Arkansas.

Discussion: F. L. Vaughan, University of Oklahoma; F. K. Rader, Southern Methodist University.

New Corporate Financing and the Business Cycle, J. R. Stockton, University of Texas.

Discussion: Virgle G. Wilhite, University of Oklahoma; A. W. Foscue, Jr., Southern Methodist University.

FRIDAY, MARCH 26, 9:00 A. M.

Economics Section

Room 6

Presiding Officer: Aldon Lang, Baylor University.

First Paper: *The Co-operative Movement in the United States*, Jack Johnson, North Texas State Teachers College. (Thirty minutes).

Panel: Chairman, S. A. Caldwell, Louisiana State University; H. W. Blalock, University of Arkansas; Elmer Scott, Dallas Civic Federation; Brandon Trussell, Resettlement Administration. (Thirty minutes).

General Discussion from the Audience. (Thirty minutes).

Second Paper: *Bank Credit Inflation and Its Control in the United States*, F. B. Clark, Texas A. and M. College. (Thirty minutes).

Panel: Chairman, W. F. Hauhart, Southern Methodist University; Karl R. Bopp, University of Missouri; Dean J. B. Trant, Louisiana State University; Joseph H. Taggart, University of Kansas. (Thirty minutes).

General Discussion from the Audience. (Thirty minutes).

FRIDAY, MARCH 26, 9:00 A. M.

Government Section

Room 3

Presiding: Roderick L. Carleton, Louisiana State University.

The Public Forum, R. J. Dangerfield, University of Oklahoma.

The One-House Legislature Up to Now, John P. Senning, University of Nebraska.

Cooperating With Municipal Officials, Kenneth O. Warner, American Municipal Association, Chicago.

Experiences as Fire and Police Commissioner, O. W. Hoop, University of Tulsa.

Discussion Leaders: Henry E. Hudson, Polytechnic College, Arkansas; G. H. Benton, Drury College, Missouri; Spencer D. Albright, University of Arkansas; W. A. Jackson, Texas Technological College.

Length of Papers—The formal papers are limited to twenty minutes and scheduled discussions to ten minutes. Discussions from the floor should not exceed three minutes.

FRIDAY, MARCH 26, 9:00 A. M.

History Section

Room 316

Chairman: J. G. Smith, East Texas State Teachers College.

Modern Spanish Troubles, Dorsey Jones, University of Arkansas.

Some Aspects of Religion and Politics in England, 1660-1828, Charles F. Mullett, University of Missouri.

Ancient Man in the Southwest, E. B. Sayles, Gila Pueblo, Globe, Arizona.

Early Man in Oklahoma, J. B. Thoburn, Oklahoma City, Oklahoma.

The Discovery of Abilene Man and His Camp Sites and Art Effects, Cyrus N. Ray, The Texas Archaeological and Paleontological Society, Abilene, Texas.

Business Session.

FRIDAY, MARCH 26, 9:00 A. M.

Human Geography Section

Room 318

Chairman: William T. Chambers, Stephen F. Austin State Teachers College.
Arctic Bay: A New Settlement on the Northern Coast of Baffin Island, with film illustrations, John Quincy Adams, University of Missouri.
Cultural Landscapes, Walter Hansen, North Texas State Teachers College.
Thurber, Texas: An Old Coal Mining Community, Willie M. Floyd, Abilene High School.

FRIDAY, MARCH 26, 9:00 A. M.

Sociology Section

Room 5

Chairman: O. D. Duncan, Oklahoma A. and M. College.

9:00-10:40 A. M. Round Table: *Organizing the Social Science Survey or Orientation Course for the Lower Division*.

Educational Philosophy Underlying the Social Science Survey Course, Carroll D. Clark, University of Kansas, Leader. (Twenty-five minutes).

Panel: *The Functions of the Social Science Survey Course*, William C. Smith, William Jewell College; *The Course in Operation at the University of Texas*, W. E. Gettys, University of Texas; *The Course in History of Western Civilization at the Oklahoma A. and M. College*, O. A. Hilton, Oklahoma A. and M. College; *The Course at Southern Methodist University*, J. Linus Glanville, Southern Methodist University; *The Course at Louisiana State University*, F. W. Girlinghouse, Louisiana State University. (Seven minutes each.)

General Discussion. (Forty minutes.)

10:40-10:50 A. M. Recess.

10:50-12:00 A. M. Research Papers. (Twelve minutes each).

Institutional Adaptations of an Urban Religious Movement, Joseph K. Johnson, East Texas State Teachers College.

Degree of Cultural Adjustment of a Group of Mennonites Settled in Harvey County, Kansas, Ethel Wilson, Bethel College.

Language and Behavior of Children of Immigrants, William C. Smith, William Jewell College.

Discussion of Research Papers: A. L. Porterfield, Southeastern Teachers College, Oklahoma; A. E. Croft, Wichita University, Kansas. (Fourteen minutes.)

General Discussion. (Twenty minutes).

FRIDAY, MARCH 26, 12:15 P. M.

Joint Luncheon Session of Accounting, Agricultural Economics, Business Administration, Economics, Government, Human Geography, History, and Sociology Sections.

Mezzanine Lounge

Chairman: Chester F. Lay, University of Texas.

Law Enforcement in Texas, Honorable William McCraw, Attorney General of Texas.

FRIDAY, MARCH 24, 2:00 P. M.

Accounting Section

Room 4

Chairman: Dean Clem Collins, University of Denver.

An Appraisal of the Federal Undistributed Profits Tax on Corporations, T. C. Root, Texas Technological College.

Discussion: L. H. Fleck, Southern Methodist University.

Budgeting and Accounting for County Governments, J. G. Blocker, University of Kansas.

Discussion: W. K. Newton, University of Oklahoma.

The Hampering Effect of Accounting Defects and Inconsistencies Upon Governmental Regulatory Mechanisms, Daniel Borth, Jr., Louisiana State University.

General Discussion.

Usefulness of a State Auditor's Office in the Administration of Relief and Other Social Legislation, Tom King, State Auditor, State of Texas.

General Discussion.

FRIDAY, MARCH 26, 2:00 P. M.

Agricultural Economics Section

Room 314

Chairman: L. P. Gabbard, Texas A. and M. College.

Subject: *Agricultural Cooperation*.

First Paper: 2:00-2:30

Survey of Farmers' Cooperative Business Organizations in Missouri, by Herman M. Haag, University of Missouri.

Second Paper: 2:30-3:00

Cooperative Cotton Gins

Texas—W. E. Paulson, Texas A. and M. College.

Third Paper: 3:00-3:30

Cooperative Development by the Resettlement Administration.

James A. Muster, Resettlement Administration, Missouri

Discussion Leader: Raymond D. Thomas, Oklahoma A. and M. College.

Business Session.

FRIDAY, MARCH 26, 2:00 P. M.

Business Administration Section

Room 2

Chairman: Dean W. F. Hauhart, Southern Methodist University.

Business Session.

A Ratio Analysis of Failed Banks in Louisiana, M. H. Hornbeak, Louisiana State University.

Discussion: Henry Slavik, Our Lady of the Lake College; T. E. Morris, University of Texas College of Mines and Metallurgy.

The Drift Toward Monetary Management, I. J. Sollenberger, University of Oklahoma.

Discussion: R. J. Gonzalez, University of Texas; N. S. Foster, Baylor University.

FRIDAY, MARCH 26, 2:00 P. M.**Economics Section**

Room 6

Presiding Officer: Clarence Ayres, University of Texas.**First Paper:** *Labor Relations in the Southwest*, Edwin A. Elliott, Regional Director, National Labor Relations Board. (Thirty minutes).**Panel:** Chairman, Dean Raymond D. Thomas, Oklahoma A. and M. College; Robert Conrod, North Texas State Teachers College; Alpheus Marshall, Texas Christian University; T. N. Farris, Louisiana State University. (Thirty minutes).

General discussion from the audience. (Thirty minutes).

Second Paper: *Struggle Between Fascism and Communism in Europe*, E. E. Hale, University of Texas. (Thirty minutes).**Panel:** Chairman, Vernon G. Sorrell, University of New Mexico; J. L. Glanville, Southern Methodist University; Frederick L. Ryan, University of Oklahoma; George Hunsberger, University of Arkansas; S. H. Moore, Southern Methodist University. (Thirty minutes).

General discussion from the audience. (Thirty minutes).

Business Session.**FRIDAY, MARCH 26, 2:00 P. M.****Government Section**

Room 3

Chairman: William L. Bradshaw.**Business Session.****Presiding:** R. E. Jackson, Texas State College for Women.**Appropriation of Water in Arid Regions**, W. A. Stephenson, Hardin-Simmons University.**State Printing in the Southwest**, Estal E. Sparlin, University of Missouri.**The Texas Highway Financial Survey**, J. T. Barton, Manager, Financial Division, Texas State Highway Planning Survey.**Amending the Louisiana Constitution**, A. L. Powell, Louisiana State University.**Discussion Leaders:** F. E. Ballard, Hockaday Junior College; Stuart A. MacCorkle, University of Texas; Sam B. McAllister, North Texas State Teachers College; Robert K. Carr, University of Oklahoma.**Length of Papers**—The formal papers are limited to twenty minutes and scheduled discussions to ten minutes. Discussions from the floor should not exceed three minutes.**FRIDAY, MARCH 26, 2:00 P. M.****History Section**

Room 316

Chairman: Ralph Records, University of Oklahoma.**National Banks and Bank Failures and Private Affiliates, 1864-1874**, George L. Anderson, Colorado College, Colorado.**Europe's Efforts at Peacemaking, 1911-1912**, W. C. Askew, University of Arkansas, Fayetteville, Arkansas.**General Juan N. Almonte, Minister Extraordinary and Envoy Plenipotentiary College for Women**, Denton, Texas.**to the United States, 1842-1845**, Mrs. Helen W. Harris, Texas State

French Opinions of the Confederacy, L. M. Case, Rice Institute, Houston, Texas.

A Study of the People of West Texas, Gus Ford, Houston, Texas.

Opposition of the Slaveholders to the Employment of Slaves by the Confederacy, H. A. Trexler, Southern Methodist University.

FRIDAY, MARCH 26, 2:00 P. M.

Human Geography Section

Room 318

Chairman: William T. Chambers, Stephen F. Austin State Teachers College. Business Session.

The Geography of Ancient Carthage, Edward E. Késo, Central State Teachers College, Oklahoma.

The Distribution of Mexican Population in the United States, Miss Bea Mantooth, Purcell High School, Oklahoma.

Retail Trade as a Primary Urban Function in Oklahoma, Allen Belden, The University of Oklahoma.

FRIDAY, MARCH 26, 2:00 P. M.

Sociology Section

Room 5

Chairman: H. L. Pritchett, Southern Methodist University.

2:00-3:15 P. M. *Surveys and Graphic Presentation of Research Materials*. (Twelve minutes each).

Survey of Youth in Arkansas, J. C. London, University of Arkansas.

Experiment in Cooperative Housing Among College Students at Texas A. and M. College, Daniel Russell, Texas A. and M. College.

Survey of Welfare Activities in Oklahoma City, Fred A. Replogle, Oklahoma City University.

General Discussion. (Twenty-four minutes).

Exhibit of Graphic Research and Instructional Materials, W. P. Meroney, Baylor University. (Fifteen minutes).

3:15-4:15 P. M. Round Table—*Some Social Aspects of Land Tenure Problems in the Southwest*.

Leader: C. Horace Hamilton, Texas A. and M. College. (Twenty-five minutes).

Panel: *A Study of the Social Correlatives of Land Tenure*, Henry Spielman, Resettlement Administration, Denton, Texas; *The Farm Tenancy Program in Arkansas*, H. W. Blalock, Public Utilities Commission of Arkansas; *The Relation of Agricultural Conservation to Land Tenure*, E. J. Holcomb, Tenure-Labor Relations Section, Division of Program Planning, Agricultural Adjustment Administration, Washington, D. C. (Seven minutes each).

General Discussion. (Fourteen minutes).

4:15-5:00 P. M. Annual Business Meeting.

Walter T. Watson, Southern Methodist University (representing denominational institutions), Chairman.

J. J. Rhyne, University of Oklahoma, Secretary.

O. D. Duncan, Oklahoma A. and M. College (representing agricultural and women's colleges), Past Chairman.

W. H. Metzler, University of Arkansas (representing state universities) and Kenneth Evans, East Texas State Teachers College (representing teachers colleges), Elected Members of Executive Committee.

FRIDAY, MARCH 26, 3:15 P. M.

Student Group of Sociology Section

Room 320

Chairman: Mrs. E. C. Summerfield, Southern Methodist University.

3:15-5:00 P. M. Theme: *The Sociology of Student Life.*

Students' Bull Sessions, Richard T. Good, Baylor University.

The Step Child, James F. Bowers, William Jewell College.

Attitudes of Non-Fraternity Students Toward the Fraternity System,

Elbert L. Hooker and Mary Gamble, Southern Methodist University.

Student Council as a Force for Social Control on the Texas State College for Women's Campus, Alyce Charleton, T. S. C. W.

FRIDAY, MARCH 26, 6:30 P. M.

Joint Dinner Session of Accounting, Agricultural Economics, Business Administration, Economics, Government, Human Geography, History, and Sociology Sections.

Mezzanine Lounge

Chairman: Dean Charles C. Fichtner, University of Arkansas.

Presidential Address: *Some Factors Which Have Contributed to the Problems of the Great Plains*, Rupert N. Richardson, Hardin-Simmons University.

A Political Scientist Views the American State University, Herman G. James, President of Ohio University.

FRIDAY, MARCH 26,

Following Joint Dinner Session of all sections.

Special Teachers College Division of Sociology Section

Room 3

Chairman: Alvin Good, Louisiana State Normal College.

Round Table: *Contributions of Courses in Sociology to the Training of Teachers.*

Panel: *In the Field of Marriage and the Family*, Ross Compton, North Texas State Teachers College; *In the Functions of the State in Society*, Maude Carmicheal, Arkansas State Teachers College; *In the Functions of Economic Life in Society*, R. H. Hicks, Southwestern Oklahoma State Teachers College; *In the Functions of Recreation and Leisure Hours*, W. B. Stone, East Texas State Teachers College; *In the Functions of Making Personality Adjustments*, J. L. Dufлот, West Texas State Teachers College. (Ten minutes each).

General Discussion (Forty minutes).

SATURDAY, MARCH 27, 9:00 A. M.

Joint Session of Accounting and Sociology Sections

Room 6

Chairman: Dean Monroe S. Carroll, Baylor University.

Round Table: *How Can We More Accurately Identify Loss-Incurring Areas That Are So Expensive to a City as to Justify Their Renovation on Purely Economic Grounds?* Led by Stuart A. Queen, Washington University, St. Louis.

Accounting and Statistical Evidence of Use for Identifying Dependent Areas with Particular Reference to Old Age Assistance, Orville S. Carpenter, Executive Director, 1936-37, Texas Old Age Assistance Commission.

Panel: Social Work, G. H. Smith, University of Oklahoma. Sociology, Joseph S. Werlin, University of Houston; O. D. Duncan, Oklahoma A. and M. College. Accounting, Charles Rovetta, University of Colorado and University of Chicago.

General Discussion.

SATURDAY, MARCH 27, 9:00 A. M.

Joint Session of the Business Administration and Economics Sections

Room 5

Chairman: Dean J. A. Fitzgerald, University of Texas.

The Position of the United States Treasury, C. C. Fichtner, University of Arkansas.

Discussion: A. R. Marshall, Texas Christian University; G. B. McCowen, Oklahoma A. and M. College.

The Corporation Surplus Tax in its Relation to the Business Cycle, H. S. McCracken, Louisiana State University.

Discussion: D. L. Barnes, University of Oklahoma; A. S. Lang, Baylor University.

SATURDAY, MARCH 27, 9:00 A. M.

Joint Session of History and Government Sections

Room 4

FOREIGN AFFAIRS

Presiding: Tom H. Reynolds, Oklahoma A. and M. College.

The Good Neighbor Policy, J. Lloyd Mecham, University of Texas.

Reciprocal Trade Agreements, S. C. E. Powers, Henderson State Teachers College, Arkansas.

Present German Colonial Policy, G. B. Hawkins, Oklahoma A. and M. College.

Can America Be Neutral? E. L. Harshbarger, Bethel College, Kansas.

Discussion Leaders: J. H. Leek, University of Oklahoma; S. D. Myres, Jr., Southern Methodist University.

Length of Papers—The formal papers are limited to twenty minutes and scheduled discussions to ten minutes. Discussions from the floor should not exceed three minutes.

SATURDAY, MARCH 27, 9:00 A. M.

Joint Session of Human Geography and Agricultural Economics Section

Room 3

Chairman: H. W. Blalock, The University of Arkansas.

Financing Farm Ownership Through Payment in Kind, O. R. Johnson, University of Missouri.

The Urgency of Land Classification in Texas, Leland S. Paine, The Resettlement Administration.

Land Type Classification, with Special Reference to Wise County, Texas, A. B. Beaumont, Resettlement Administration.

SATURDAY, MARCH 27, 12:15 P. M.

Luncheon: Business Session of the Association Mezzanine Lounge
 Chairman: Rupert N. Richardson, Hardin-Simmons University.
 Resolutions and Other Business.
 Constitution of the Association.
 Election of Officers.

SATURDAY, MARCH 27,

At Close of Business Luncheon Session
 Executive Council Meeting.
 All officers are urged to attend.

SATURDAY, MARCH 27, 12:15 P. M.

Luncheon: Business Session of the Association Mezzanine Lounge
 Chairman: Rupert N. Richardson, Hardin-Simmons University.

The eighteenth annual business luncheon and meeting was attended by about sixty members. President Rupert N. Richardson presided at the session until the new president was elected. The usual order of business was as follows: Minutes of the Seventeenth Annual Business Meeting were read and were approved as read; the Secretary-Treasurer reported on the membership and the finances of the Association; reports were heard from the Board of Editors, Auditing Committee, the President, the Committee on Resolutions, the Committee on the Constitution, and the Committee on Nominations. These reports were as follows:

REPORT ON MEMBERSHIP

(Note: By action of the Sixteenth Annual Convention, the Secretary-Treasurer was authorized to drop those who have been carried on his books for longer than one quarter in arrears and to elevate delinquent members to good standing if they pay the subscription for the past year due and one year in advance).

—I—

	April, 1935	April, 1936	Mar. 22, 1937
Life	1	1	1
Contributing	3	5	4
Sustaining	2	2	1
Active			
1. Individuals (in good standing) ..	106	191	171
2. Individuals (in arrears)	96	36	34
3. Libraries (in good standing)	122	114	119
4. Libraries (in arrears)		10	6
Totals	330	359	336

—II—

1. Individuals dropped since April 1, 1936	52
2. Libraries dropped since April 1, 1936	7
3. New individuals added since April 1, 1936	25
4. New libraries added since April 1, 1936	11

—III—

An attempted distribution of individual membership according to sections:

Accounting	16
Agricultural Economics	10
Business Administration	27
Economics	16
Government	30
History	24
Human Geography	7
Sociology	20
Miscellaneous and those not designating sections	61
Total	211

FINANCIAL STATEMENT FOR THE SEVENTEENTH FISCAL PERIOD

February 1, 1936 to January 31, 1937

(Note: By action of the Fifteenth Annual Convention, the Secretary-Treasurer was ordered to close his books as of January 31st).

RECEIPTS:

Balance, February 1, 1936	\$ 326.58
Membership Dues:	
Active	1,012.90
Contributing	50.00
Sustaining	5.00
Sale of Publication	72.00
Refund from Convention Expenses	25.00
Refund from Post Office Department (Dallas)	1.23

DISBURSEMENTS:

Tardy Press:	
Printing of December, 1935, Quarterly	\$ 197.38
Printing of March, 1936, Quarterly	267.77
Transcript-Enterprise Press:	
Printing of June, 1936, Quarterly	202.00
Printing of September, 1936, Quarterly	285.60
Printing of December, 1936, Quarterly	206.04
Stamps and Supplies	72.21
Convention Expenses	50.00
Printing Programs, 1936 (Transcript-Enterprise Publishing Company)	31.02
Clerical Help and Proof Reading	21.85
Returned Checks (No Funds)	15.00
Telephone and Telegraph (Chester F. Lay)	17.50
Mailing Permit	10.00
Additional Mailing Costs	16.07
Executive Meeting in Dallas	10.50
Address Stickers	9.15
Express on Reserve Quarterlies from Norman to Austin	5.31

Refund to F. W. Faxon Company	1.50
Balance on Hand, January 31, 1937	73.81
	<hr/>
	\$1,492.71 \$1,492.71

FINANCIAL STATEMENT (Supplement)

Financial Condition of the Association as of March 22, 1937.

Outstanding Obligations:

Transcript-Enterprise Press:

Printing of the March, 1937, Quarterly	\$ 175.00
Stenographic Bureau (Stamps and Supplies)	22.11

Total	\$ 197.11
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Cash on Hand	165.63
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Deficit	\$ 31.48
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REPORT OF THE AUDITING COMMITTEE

To President R. N. Richardson, of -

The Southwestern Social Science Association:

The Auditing Committee has reviewed the records of the Southwestern Social Science Association for the fiscal year ending January 31, 1937, and has verified the receipts and disbursements of cash to the extent that the records provide evidence. The vouchers for disbursements consist of only cancelled checks. There are no receipts for membership dues. The Committee has not sought from members confirmation of membership dues. The Committee has found the report as submitted by the Secretary-Treasurer in agreement with the records maintained.

The Committee wishes to remind the Association that Secretary-Treasurer Stuart A. MacCorkle took the position of Secretary-Treasurer on condition that he not be required to keep a complete set of books.

(Signed)

MONROE S. CARROLL
W. D. RICH
J. ROY WELLS

REPORT OF THE BOARD OF EDITORS

J. J. Rhyne, Editor-in-Chief, analyzed the contents of Volume XVII of the *Quarterly*. He gave the total number of articles published in the volume as thirty-one, and presented a detailed distribution of these articles on the basis of specialism, states, type of institution, and the type of material. Publication costs and editorial policy and problems were commented upon.

REPORT OF THE PRESIDENT

President Rupert N. Richardson expressed to the entire Association his thanks and appreciation for the fine manner in which it had cooperated and worked with him during the past year. Special praise was extended to the Executive Council, the Committee of Local Arrangements, and the Section Chairmen for their effort to increase the membership of the Association and for the preparation of the Annual Program.

The financial needs of the Association were mentioned and attention called to the fact that more funds were needed for the preparation of programs and for publication.

Lastly, President Richardson expressed a wish that the Association might find acceptable the new constitution. Admitting that it was not a perfect instrument, he expressed the belief that if tried, it would prove workable.

REPORT OF THE COMMITTEE ON THE CONSTITUTION

Professor Chester F. Lay, presenting the report for the Committee, moved that unanimous consent be given to the Committee to amend the circularized constitution. This consent was granted, after which Professor Lay moved that the Constitution be adopted as amended. His motion was seconded and the new constitution was adopted without a dissenting vote. Power was given each Executive Council to adopt its own by-laws.

REPORT OF THE COMMITTEE ON RESOLUTIONS

Your Committee on Resolutions submits for your consideration and adoption the following resolution:

That the Association express its appreciation to those who have assisted in making the meeting a success: (1) The Section Chairmen for their ingenuity in setting up programs and increasing attendance; (2) the speakers, and especially the non-member speakers, for their stimulating contribution to the programs of both the general and sectional meetings; (3) the Committee on Local Arrangements for doing a dirty job well; (4) the hotel for its courtesies and for providing meeting rooms that satisfy a portion of the demand for space; (5) the press for its generous publicity and reports of the meetings; (6) the Dallas Chamber of Commerce for providing badges, clerical assistance, flags, and senorita; (7) the Southern Methodist University School of Music for arranging special music; (8) the general elected and appointive officers of the Association, especially (a) the President, Dr. Rupert N. Richardson, (b) the Secretary, Dr. Stuart A. MacCorkle, for their wise leadership, impartial, judicious, and sympathetic treatment of the various groups and interests in the Association, and their unceasing efforts and sacrifices throughout the year, and (c) the Editor-in-Chief of the *Quarterly*, Dr. J. J. Rhyne, for his progressive editorial policy and an improved publication.

(Signed)

WALTER T. WATSON, Chairman
Committee on Resolutions

SPECIAL RESOLUTIONS

Dean C. S. Potts, representing the Committee on Special Resolutions, reports as follows:

The Southwestern Social Science Association, having sustained a great loss in the death, on January 22, 1937, of Dr. James Quale Dealey, long an active member and one-time president of this organization, takes this means of expressing its appreciation of his fine life and character, and of his notable achievements.

Dr. Dealey was both a newspaper man and a teacher, distinguishing himself in each of these fields. He began active life in the early seventies as an employee of the Galveston News, and, some sixty years later, ended it as Editor-in-Chief of the Dallas News, the North Texas off-spring of our oldest newspaper. Though he was born abroad, and spent nearly forty years of his life as a teacher in an eastern college, he remained a loyal Texan to the end.

From *Who's Who in America* we summarize the principal facts of his life as follows: He was born in Manchester, England, on August 13, 1861; after graduating from Brown University in 1890, he was for one year instructor in language and history in the Normal College, now the North Texas State Teachers College at Denton; next he taught Latin for two years in a Vermont academy; he then returned to Brown University and was awarded the Master of Arts degree in 1893, and the Doctor's degree in 1895; immediately thereafter his Alma Mater availed itself of his services as professor of social and political science, a position that he retained until he was made professor emeritus in 1928; finally he returned to Texas where he became Editor-in-Chief of the Dallas News, a position he held with distinction up to the moment of his death. The end came suddenly, as he sat at his desk, conferring with his older brother, George Bannerman Dealey, President of the Belo Corporation, concerning the future of their great enterprise.

During his long services as a professor in Brown University, Dr. Dealey found time to serve as exchange professor and lecturer in China, and as lecturer at our Naval War College, from 1916 to 1928. He also found time to publish some eleven books, ranging from college text books in sociology and government to America's foreign relations.

Dr. Dealey was a member of the American Political Science Association and of the American Sociological Association, of which he had served as President. Upon his return to Texas, he immediately became a member of this Association, and, as previously stated, he served it for one year as its President, as his brother, Mr. George B. Dealey, had previously done.

In 1890, Dr. Dealey married Miss Clara Learned of Chicago. She and their four children, all honorable and useful citizens, survive him. With them we sorrow at his passing, but we rejoice that we as an organization have felt the inspiration of his strong personality and of his vigorous leadership.

Dean C. S. Potts moved that President Herman G. James of the University of Ohio be made a life member of the Association. This motion was seconded and unanimously approved by those present.

REPORT OF THE COMMITTEE ON NOMINATIONS

The Committee on Nominations, composed of S. A. Caldwell, Chairman, William L. Bradshaw, S. B. McAllister, and J. L. Waller, reported as follows:

Your Nominating Committee, in preparing its recommendations, has had no desire to follow or make precedent. After careful consideration, the Committee decided to place the following names before the Association:

For President: James B. Trant, Louisiana State University.

For First Vice-President: C. O. Brannen, University of Arkansas.

For Second Vice-President: E. S. Redford, University of Texas.

This report was accepted by those present, and President Richardson declared the foregoing nominees duly elected.

MISCELLANEOUS BUSINESS

The Executive Council recommended to the Association that a committee representing the various sections be constituted to study the matter of allocation of the finances of the Association to the respective sections and to report back to the Association at its next annual meeting. It was moved and seconded that the newly chosen Executive Council appoint a committee to study the matter.

The respective sections having chosen their officers for the ensuing year, these individuals were introduced as follows:

Section Chairmen:

Accounting: Earl A. Sallers, Louisiana State University, Baton Rouge, Louisiana

Agricultural Economics: L. L. Johnson, University of Missouri, Columbia, Missouri

Business Administration: Floyd L. Vaughan, University of Oklahoma, Norman, Oklahoma

Economics: S. A. Caldwell, Louisiana State University, Baton Rouge, Louisiana

Government: A. L. Powell, Louisiana State University, Baton Rouge, Louisiana

History: Dorsey D. Jones, University of Arkansas, Fayetteville, Arkansas

Human Geography: Meredith F. Burrill, Resettlement Administration, Dallas, Texas

Sociology: Carroll D. Clark, University of Kansas, Lawrence, Kansas

Associate Editors:

Accounting: Chester F. Lay, University of Texas, Austin, Texas

Agricultural Economics: H. C. Bradshaw, Texas Agricultural Experiment Station, College Station, Texas

Business Administration: Floyd L. Vaughan, University of Oklahoma, Norman, Oklahoma

Economics: Frederick L. Ryan, University of Oklahoma, Norman, Oklahoma

Government: J. H. Leek, University of Oklahoma, Norman, Oklahoma

History: J. L. Gianville, Southern Methodist University, Dallas, Texas

Human Geography: Meredith F. Burrill, Resettlement Administration, Dallas, Texas

Sociology: Carl M. Rosenquist, University of Texas, Austin, Texas.

There being no further business, President James B. Trant declared the eighteenth annual business meeting of the Southwestern Social Science Association adjourned.

After the business meeting had adjourned, the Executive Council met to consider matters concerning the policy of the Association. This council named Dr. J. J. Rhyne Editor-in-Chief of the *Quarterly* and Dr. Stuart A. MacCorkle, Secretary-Treasurer. According to the new constitution, these

officials are to hold office for one year or until their successors are named.

President Trant named Professor S. A. Caldwell of Louisiana State University General Program Chairman for the ensuing year. The Council voted that the next annual meeting of the Association should be held at Oklahoma City during the Easter holidays.

Stuart A. MacCorkle,
Secretary-Treasurer.

BOOK REVIEWS

EDITED BY O. DOUGLAS WEEKS
The University of Texas

Gipson, Lawrence Henry, *The British Empire before the American Revolution; Provincial Characteristics and Sectional Tendencies in the Era preceding the American Crisis*. Vol. I, *Great Britain and Ireland*, pp. xxx, 301; Vol. II, *The Southern Plantations*, pp. xxvi, 384; Vol. III, *The Northern Plantations*, pp. xxxvi, 347. (Caldwell, Idaho: Caxton Printers, Ltd., 1936.)

The three volumes under review are merely the first installment of a very ambitious project, which, when completed, will comprise at least eleven volumes. It will be somewhat unique among English colonial histories in that it will be devoted exclusively to a consideration of conditions as they existed in and events as they occurred in the English colonial possessions in both hemispheres in the twenty-five years preceding the American Revolution. The author takes it for granted that the reader is familiar with the main outlines at least of the beginnings of the various colonies down to the middle of the eighteenth century. It is highly significant that, as Andrews is bringing out his monumental work on American Colonial History, another American scholar should be putting forth on an elaborate scale a survey of the entire English colonial field in the third quarter of the eighteenth century. These two works indicate that interest is being well sustained in the colonial period and phase of English history.

Gipson's work differs, so far as the reviewer knows, from all other books on English colonial history in its point of departure. The first volume, except for the first chapter, which briefly discusses the different types of colonial possessions, including these that belonged to commercial companies, is devoted to a somewhat detailed account of conditions in England (chapters 2 to 5 inclusive), Scotland (chapter 6) and Ireland (chapter 7) in the eighteenth century. Oddly enough Wales is left out of the picture. Volume I therefore furnishes the immediate background for the two succeeding volumes that have been produced.

Volume II deals with the Southern Plantations, which include not only Virginia, Maryland, the Carolinas and Georgia (chapters 1 to 6 inclusive) but also the Caribbean Islands (chapters 7 to 9 inclusive). The last chapter, under the striking caption, "*Guinea Carries the Empire*," is devoted to the slave trade of the eighteenth century and proceeds on the proposition that the more than two million blacks that were received into the Empire from Guinea and adjacent parts of Africa between 1680 and 1786 were an "essential element in the production of the sugar of the West Indies, the rice and indigo of South Carolina and the tobacco of the Chesapeake Bay; further, their presence in these parts guaranteed the prosperity of the provisions trade of Ireland and Pennsylvania, as well as the prosperity of Massachusetts Bay fisheries by furnishing a market for the lower grade of fish."

Volume III deals with the Northern Plantations, which include not only the New England and Middle Colonies but also the possessions of the Hudson Bay Company and Newfoundland. The final chapter is a

summarization of the three volumes.

If the remaining eight volumes in the projected series should not be brought out, the three that have been produced will be a noteworthy contribution to the literature on the English colonial empire. They offer a very effective presentation of the political, social, and economic conditions in the entire British Empire in the middle of the eighteenth century, and constitute a unit in themselves. It is to be hoped, however, that the author will be able to complete in due season the plans he has in mind.

The index is especially good. It is thoroughly analytical, as every index should be, and thanks to the industry of the author and the generosity of the publisher, each volume has its own index. It is to be hoped that in the last volume of the series there will also be a comprehensive index for the entire work. The tables of contents are also deserving of special remark. They too are analytical. Moreover, the topics and the subtopics with their subdivisions are indented so that the reader can at a glance catch the themes that are to be developed and the order of their treatment. They are a veritable syllabus of the work. The black and white maps are very clear and appropriate. Most of them are reproductions of contemporaneous eighteenth century maps. Unfortunately, however, they are all bunched up together at the ends of the volumes and are therefore not as readily usable by the reader as they would have been had they been scattered throughout the volumes in connection with the chapters to which they pertain. The printer needs to be commended for his part in the production of this attractive work both as to type and binding.

E. M. VIOLETTE

Louisiana State University

Mueller, Gustav E., *Philosophy of our Uncertainties. A Comment on the Uncertainties of our Philosophies*. (Norman: University of Oklahoma Press, 1936, pp. 1,236.)

This book is a call to the serious study of metaphysics. Though it does not set out to develop a system, but rather to show how one is developed, it leads systematically to a philosophic vision of reality as a whole. Enumerating six levels of experience ranging in ascending scale from common-sense objects to religious symbols and ideals, the author shows that a narrowly dogmatic position is self-destructive. By a dialectic which moves towards an ever deepening understanding of the problematic character of reality at each point, he leads us to a grasp of the reality which is implicit in every widening circle. The world as object, whether as mind or as body, cannot be this ultimate reality "because the world must include the thinking subject and its one-dimensional approaches, methods, perspectives, attitudes." Philosophy, as distinguished from the special sciences, is not one perspective among others, but it is "the unity of reason, in which and for which perspectives are perspectives of the whole." The final problem of metaphysics is "to think the one and absolute being in and through all those opposed differences of experience."

The problems selected by Professor Mueller cover a wide variety of fields from science and pseudo-science to axiology, art, politics, and religion. Many of the chapters are worth reading even in isolation for their fresh

and interesting treatment. This is true even of some of the sub-topics such as the sections on the mind-body problem, the fallacies of scientism, Marxism, education, and the section of the chapters on "Freedom and Necessity" and "Dialectical Theology."

In covering so many topics the author has treated some much less strongly than the average. He is not altogether free from the practice, too common in philosophical writing, of setting up straw men to knock down. Materialism, for example, he defines as follows: "It postulates that only that is real which can be observed by all who investigate it. And it is further held that only that which is given to the senses can be observed by all." With this account of materialism he has no difficulty in showing up some glaring inconsistencies. But his victory is an empty one since no respectable materialist, ancient or modern, has avowed any such doctrine. What all have held is that the physical concepts such as atoms, motion, energy, etc. (to which some add qualities) are the basic explanatory concepts to which growth, sensation, memory, choice, etc. are reducible. Most of them have also thought that ultimate reality corresponds to some one or more of these basic concepts.

His contemptuous dismissal of meliorism both in ethics and religion is another example of a cheap and empty victory. It is less excusable than his easy refutation of materialism since the latter is inconsistent with idealism while meliorism should be an integral part of any genuine idealism. Of ethical meliorism he writes, "Progress as ethical philosophy of life is an external, self-conceited, artificial, contradictory philosophy. If it is stated negatively it reads 'down with the fathers.' The new is better because it is new." (P. 121). Of religious meliorism he writes, "The greatest enemy of religion is moral idealism and human optimism in bringing about a perfect world." The first statement is a libel; the second misrepresents moral idealism since it does not aim at perfection.

At times our philosopher loses touch with common-sense and lapses into that dream-state in which words lose their meanings and logic becomes fluid. Then he uses such maddening expressions as "a circle of circles," "a non-contradictory unity of contradictions," "if God is affirmed, he is affirmed in and through and in spite of our impotency to affirm him." It is fair to add, by way of extenuation, that he is not the inventor of such expressions. And it is also fair to repeat here that on the whole the language and style are fresh and forceful.

While the book as a whole presents a systematic unity and is characterized by a vital drive, the reader has, in places, an uneasy feeling that he has read a contradictory statement some pages back. This may be due to the reader's obtuseness but I think not always. We read, for example, on page vii that "the whole alone is the truth," and on page 206, "Judgments alone can claim truth." Now how can judgments be the whole? Of space and time we learn on page 32 that "They are not perceptions but forms of perception." Of extension and divisibility we learn on page 49 that "They are mathematical problems and logical methods." These are not flat contradictions but they are hard to reconcile. On page 202 we find that "Man cannot possibly will to be different;" yet a few paragraphs above we learn that, "Adam, which is the name for man as such, the creature, eats from the tree of knowledge to become like God, knowing good and

evil. And this rebellion is called sin." The author's meaning, I think, is clear enough, but the paradoxical language is confusing. Other examples could be cited. A book should not aim to be, like the absolute, a non-contradictory unity of contradictions.

The book as a whole is compact, substantial, and stimulating. It is a fresh and vigorous formulation of critical idealism, and though it contains some of the weak features of that system it also has its virtues. I agree with the statement on the jacket that it must be regarded as "of first-rate importance to everyone who is interested in epistemology, ethics, aesthetics, theology, and metaphysics."

E. T. MITCHELL

The University of Texas

Hill, Jim Dan, *The Texas Navy in Forgotten Battles and Shirtsleeve Diplomacy*. (Chicago: University of Chicago Press, 1937, pp. xv, 224.)

This work is Dr. Hill's second book on naval affairs, his first being: *Sea Dogs of the Sixties* (1935). Other accounts of the Texas navy are to be found in a recent book by C. L. Douglas, *Thunder on the Gulf or the Story of the Texas Navy* (1936), a fairly complete history of the Republic's navy, and in two articles appearing in the *Quarterly of the Texas Historical Association* (Fuller, George F., "Sketch of the Texas Navy," VII, 223-34; Dienst, Alexander, "The Navy of the Republic of Texas," XII, 165-203, 249-275; XIII, 1-43, 85-127).

Although Dr. Hill has characterized Dienst's monograph as a story told from the antiquarian's viewpoint which makes "no effort to integrate the maritime activities and naval operations with the complexities of the foreign and domestic affairs of the turbulent Mexican and Texan Republics," (p. ix) his own book makes no material contribution to what historians have known for over a quarter of a century. He does, however, add a few details concerning the Yucatan-Texan alliance and the "shirt-sleeve diplomacy" of James Treat, which have hitherto remained in the dark. *The Texas Navy in Forgotten Battles and Shirtsleeve Diplomacy* is a patriot's account and overestimation of the value of a miniature navy to "the powder burnt Republic of Texas." It features a "seagoing Secretary" and a commodore "humbugged" by the "Tallyrand of the Brazos," illegality and disobedience, swashbuckling "pirates" and "Horse Marines," mutiny and wholesale desertions, and an ill-paid crew living on turtle-soup—all combined into twelve well-written and documented chapters.

The sea played an important rôle in the colonization of Texas, and "tariff, trade, and maritime grievances" constituted a cause of the Texas Revolution. The blockade of Anáhuac in June, 1832, by a number of disaffected Texans in three "tiny schooners" and a combined land and sea attack upon Anáhuac and Velasco are vividly portrayed. The Mexican fort at Velasco, however, was neither "silenced" by Texan riflemen nor did "the doughty Colonel" (p. 16) surrender his ammunition and declare for Santa Anna, as Dr. Hill says, but rather Colonel Ugartechea surrendered on honorable terms for lack of ammunition and withdrew his forces from Texas without declaring for Santa Anna. Colonel Piedras, commander of the Nacogdoches garrison, never declared for Santa Anna until arrested

in his retreat toward San Antonio by the Texans at the San Angelina River, which is somewhat later than the time stated by Dr. Hill. (p. 17).

According to Dr. Hill, the actual hostilities of the Texas Revolution began and ended at sea. In 1835 the Mexican revenue cutter, *Moctezuma*, "began prowling up and down" the Texas coast, but a "testy American" captain of a United States revenue cutter showed his "teeth" and so badly damaged her that it was several months before she was able to resume her patrol duties. In late summer, 1835, Mexico again sent a war schooner to the Texas coast to enforce the commercial laws, but in September it was captured by "swashbuckling, arrogant Captain W. A. Hurd," of the *San Felipe*, and Captain Thompson was sent to New Orleans to be tried for piracy. The *San Felipe-Correo* clash, was, therefore, the "opening shot" of the Texan struggle for independence."

January 10, 1836, the nucleus of a Texas navy was created by the purchase of the *Ingham* (rechristened *Independence*). Soon, the navy, which came to be composed of four schooners, "played," says Dr. Hill, "an important but often overlooked role" in the Alamo-San Jacinto campaign. However, the facts submitted by the author prove the contrary, for five Mexican supply ships appeared at Copano Bay—their destination, but Santa Anna's failure to establish contact with them reflects no glory on the Texas navy. Two of these ships came in contact with Filisola in May, 1836, and the other three were captured by Major Burton's "Horse Marines." We are informed that the "appearance of Mexican ships in force . . . hastened the withdrawal of the Texas naval base from Matagorda." Certainly, the infant Texas navy did not prevent Santa Anna's forces from seizing "some Texan supplies in a New Washington warehouse" on an arm of Galveston Bay, which, Dr. Hill says, was dominated by the Texas navy. The capture at Matamoras of a Mexican schooner loaded with flour and gunpowder and the seizure of two American brigs *en route* to that town were the only significant contributions of the Texas navy in the Alamo-San Jacinto campaign outside of transporting fleeing colonists and governmental officials from the mainland to Galveston. One wonders what mysterious power of reasoning the author used to arrive at the conclusion that "the most successful delaying action in American military history" was the Texan stand at the Alamo in March, 1836.

In active service, the first Texas navy had one vessel from October, 1836, to January, 1837; none from January to April, 1837; and only two from April to September, 1837. By the autumn of 1837, however, all the vessels of the Texas fleet had either been captured, sold for debt or sent to "Davy Jones' locker," leaving Mexico the undisputed mistress of the Gulf and the Texan "Navy Department . . . nothing but unpaid bills." In 1837 the United States Gulf Squadron quickly reduced the Mexican blockade of the Texas coast to a paper one by capturing not only the Mexican prizes but also some of their warships. From March, 1838, to March, 1839, the French squadron blockaded the Mexican coast, captured the entire Atlantic branch of the Mexican fleet, and carried it away to France. The action of the French saved Texas from a Mexican naval threat, and internal dissensions in Mexico, abetted by the Texas navy, after March, 1839, frustrated whatever concerted efforts Mexico might have contemplated for reconquering Texas. As the result of a truce in the summer of 1843,

Texas was further absolved from any immediate danger of a Mexican invasion; so when the "pirates" of the second Texas navy, created in 1839, arrived at Galveston in July, 1843, "the Texas navy as an operative organization" ceased to function, largely because of the President Houston's hostility to it.

JOSEPH MILTON NANCE

The University of Texas

Friedrich, Carl Joachim, *Constitutional Government and Politics*. (New York and London: Harper and Brothers, 1937, pp. xvi, 591.)

In the author's words, "this book is written for those who are puzzled about the future of constitutional governments and democracy." Dr. Friedrich approached his subject as a political scientist whose task is to examine general hypotheses "in the light of all available experience, and to criticize the current assumptions as to the working of institutional and procedural devices." Based on a wide knowledge of the social sciences and a cosmopolitan experience, this work is unique in its interpretative analysis of causes and effects of modern problems of government. The hypotheses which are formulated and retained are substantiated with "undoubted datum of experience within the set of facts with which the hypothesis is concerned," experiences from many countries of the world.

Political science is distinguished from history, law and economics, in that it is concerned with the acquisition and distribution of power. This work is not concerned with the forms of government, nor the ideal form, but with the "instruments and techniques of political action in terms of objectives they are supposed to serve." It is divided into three parts: "Modern Governments in the Making," "Constitutionalizing Modern Government," and "The Politics of Constitutional Systems." Beginning with a comprehensive survey of the bureaucracy as the "core of all government," the author turns to a consideration of the main objectives of modern governments, security and prosperity, and the techniques for their achievement.

The constitution is shown as a political force, a restraint on government. The importance of procedural restraints is stressed, such restraints involving some division of power. The separation of powers as a procedural restraint is still pertinent, resting on "much broader grounds than are suggested by the limited doctrines of Locke and Montesquieu." The judiciary plays an important part in maintaining the procedural restraints on powers of government, the power of the court not being derived from popular election but from the cumulative respect "which a civilized nation entertains toward those whose function is to uphold the law and therefore the order in the community." In order to retain public esteem, however, it will be necessary that a wise court avoid extreme positions on the most controversial issues whenever possible.

Federalism, likewise, is intimately related to modern constitutionalism, as indeed is suggested by its rise alongside of it. As another technique for restraining powers of government, it serves as a "regional" as distinguished from a "functional" division of powers. Although these divisions of powers tend to make governments more rigid, "a measure of inefficiency is the

price we have to pay for the measure of freedom which such constitutional restraints offer us."

A searching comparison is made of the present constitutional governments with the criteria of constitutional dictatorship, devolved from the Roman Republic. In such comparison it is found that modern governments do not measure up to the standards for a temporary concentration of power, although they all make provisions for such. In all these provisions there is the danger that they are "liable to be transformed into absolutist schemes, if the conditions become at all favorable to it."

Representation, elections, political parties, cabinets, and parliaments are diagnosed as important phases of popular government. The influence of the press as the "fourth estate" in the representative scheme is pointed out and the question of a controlled or uncontrolled press is discussed. In regard to direct popular action, "it may well be doubted whether Jean Jacques Rousseau after watching the operation of modern plebiscites, nationally or internationally, would be inclined to consider them very useful tools for discovering the general will." Direct popular action serves to strengthen the democratic element in a mixed form of government, but "if the dose is too strong it will destroy the balance."

Of no little importance to the student of government is the bibliography at the end of the book. Although the author bemoans the necessity of the "chore" of compiling it, and dedicates it to "those who venerate sound scholarship," it is of great value due to its topical organization, wide range, and attached explanations.

J. WILLIAM DAVIS

The University of Texas

Bates, Sanford, *Prisons and Beyond*. (New York: The Macmillan Company, 1936, pp. xiii, 334.)

McKelvey, Blake, *American Prisons*. (Chicago: The University of Chicago Press, 1936, pp. xiv, 242.)

In the course of the last century and a half hundreds of able persons in Europe and America have labored diligently to make of the prison an institution which would not only serve to protect society but also rehabilitate the convict. But progress, though appreciable, has been discouragingly slow. Public indifference has repeatedly permitted prisons to become over-crowded to the point where the most elementary standards of sanitation and decency have been impossible to maintain. Under these conditions the reformatory function of the prison has disappeared completely, its place being taken by a form of custody best described as a school of crime. Neglected by politicians except as a means of graft and patronage, the prison has had to get along with relatively small appropriations of public funds, irregularly provided, and with frequent change of personnel, which often had no qualifications beyond proper party affiliation.

In the last few years there seems to have been a change for the better. Possibly it means that at last the public has awakened to a realization of the necessity of providing convicts in preparation for re-entrance into society with something more than broken health and post-graduate training in criminal technique. However, the experience of the past arouses doubts.

It may be that the observed improvement is due only to the fact that the physical accommodations of the prisons are at last beginning to catch up with the prison population, which is no longer increasing as fast as the population in general.

The two books under review present, each in its own way, accounts of the small and slow gains of the prison systems of America. The first, *Prisons and Beyond*, by Sanford Bates, describes the development of the federal prisons. Written by a man who by personal experience and official position has become familiar with all phases of prison management, this book gives a full and clear picture of the problems faced by those in charge of penal institutions. Reformation, prison labor, probation, parole, custody,—all these and many other questions are ably handled. The author's wide acquaintance enables him to present in detail the personalities of the various men who in recent years have been connected officially with the federal prisons. The reader learns with satisfaction that the professional penologist is appearing and that the civil service has been extended to include practically the entire personnel of the federal prison system. This development gives promise that in the future there will accumulate in the hands of the penologist a vast amount of practical knowledge, which will not be lost by discontinuity of management. The possession of this knowledge and the skill which follows will contribute to the morale necessary to the building of a genuine profession. When all persons connected in official capacity with a prison, from guard to warden, feel responsibility for its operation and personal pride in its success, the highest possible efficiency may be expected.

The second book, *American Prisons*, by Wade McKelvey, is a social history of American prisons from the beginning to 1915. Well documented, this volume compresses an amazingly large number of facts in its comparatively few pages, yet manages to sustain throughout the character of a narrative. The period covered is divided into suitable intervals, which are treated as units, and regional classifications are made when necessary to clarity of presentation.

Both books are valuable additions to the literature of American penology.

CARL M. ROSENQUIST

The University of Texas

Bowers, Claude G., *Jefferson in Power*. (Boston: Houghton Mifflin Company, 1936, pp. xix, 538.)

In his *Jefferson and Hamilton* Claude G. Bowers told the story of that clash of men and ideas which became so pronounced during Washington's administration and has since that time lingered on. In the present volume this narrative is continued to the end of Jefferson's second administration. It is true that from beginning to end Mr. Bowers is a staunch Jeffersonian and a Democrat; in fact, frequently he is too much the partisan. However, he refrains from doing injustice to Hamilton—in fact, at times he appears sympathetic toward the rank Federalist. Of Hamilton Mr. Bowers wrote: "From the moment the great genius fell in the sunlight of a tragic July morning, his party, without respectable leadership, without patriotism, became a discredited and disreputable mob of wreckers and obstructionists"

(p. 253). It is the Federalist party which receives the brunt of Mr. Bowers' attack and not Hamilton.

There is nothing revolutionary about the author's technique. He goes to the sources in many instances for his information and relates his narrative in a straightforward and careful manner, at no time becoming meticulous, and at all times presenting a very readable account.

Jefferson is pictured at his best; in fact, at times he appears too much without stain. As a statesman, party leader, friend, or country gentleman, he possessed a charm which so frequently disarmed his enemies. In the new capital both friend and foe sat at his table and tasted his wines, enjoyed his perfectly prepared meals, and marveled at the breadth of his conversation. This same quiet gentleman drew up a new set of rules for the democratic government of Washington's official society—an act which caused every boarding house in the new, raw capitol city to buzz and the foes of the administration to fall into a state of hysteria. This was the Jefferson who, throughout his eight years in the presidency, was to make a desperate effort to establish political democracy in America.

With Jefferson in power, many changes were to be wrought, but none of them without a desperate fight, often waged by an underhanded foe. The Federal judiciary was to be attacked because of partisan, drunken, and corrupt judges. Tom Paine, who at this time was termed as a "sot," an "atheist," and "an infamous, depraved character" by the Federalist, was received and entertained by the new Republican President. It is no marvel that under such a rule the Federalists were willing to concede that the country was being governed by blockheads and knaves. As the years passed, the Louisiana purchase, the secession movement in New England, the conspiracy and trial of Burr, the Embargo and Non-Importation Acts not only made new enemies but served to keep old ones alive. The opposition, however, was not strong enough to prevent Jefferson from naming his successor.

Mr. Bowers shows no mercy for Aaron Burr. He is pictured as being a political turncoat; an individual devoid of loyalty to person, party, or country; and one who would use any means as a method of attaining his own ends. Nor is Mr. Bowers mild in his criticism of John Marshall, the judge who presided over Burr's trial in Richmond. Here Marshall is described as possessing everything save judicial integrity—a partisan who outlived his party. To John Randolph of Roanoke Mr. Bowers is far more sympathetic.

Much has been written on Jefferson and his era. In fact, so much, that one is able to substantiate with little difficulty both his prejudices and opinions. Mr. Bowers has caught the spirit of the Jeffersonian period, and once again has given us a taste of his historical method.

STUART A. MACCORKLE

The University of Texas

Fediaevsky, Vera and Hill, Patty Smith, *Nursery School and Parent Education in Soviet Russia*. (New York: E. P. Dutton and Company, 1936, pp. xxli, 265.)

In collaboration Madam Vera Fediaevsky and Professor Patty Smith

Hill have produced a detailed and comprehensive survey of Nursery School and Parent Education in Soviet Russia. Both of these two authors had the wide experience that would enable them to present an analytical aspect to the subject. Madame Fediaevsky has for some time been outstanding as a worker for the protection and education of young children in Russia. She is still actively engaged in research and advisory work for the Commissariat of Education in the U. S. S. R. Dr. Patty Smith Hill, now Professor Emeritus of Education, Columbia University, is a familiar name to all those interested in the education of the young child.

The authors, in presenting a somewhat detailed summary of the educational program for the protection of motherhood and infancy, have given us the Russian philosophy of education; that is, in preparing the child from birth to take his place in and to be well adjusted to the present type of government control. This is being done in Soviet Russia by the establishment and integration of a network of institutions under state control for the protection of women and infants. "The Crèche or the Nursery School is the first link in the system of communist education." (p. 208)

The first part of the book is devoted to a detailed description of Nursery Education as it exists in the U. S. S. R. today. The organization and objectives of the several types of crèche or Nursery School are carefully outlined. We find that crèches are provided for mothers of all classes of society whether they be working in a factory, toiling in a field, or traveling across the vast expanse of country. Much is being done to give aid to Mothers not only in caring for their children while they work, but to advise them in the physical care, the feeding, the clothing and even in the selection of their toys. This phase of the book is particularly suggestive of what the U. S. S. R. is actually undertaking as a national program in its effort to provide for and to protect the welfare and educational care for young children and their families.

Nursery School teachers and educators will find those sections devoted to the educational features of the crèches of particular interest. The daily program of the crèche in aiding the young child to do for himself and to take his turn in the group is the significant characteristic of Soviet education. We might agree with the principles of education as applied to young children in the U. S. S. R. which is given in the following paragraph from the section on educational work in Nursery Institutions.

"The teacher tries to make relationships between children co-operative rather than competitive—Special education is understood to mean not only the capacity for social adjustment, but preparation for understanding and participating in political education." (p. 101).

The Chapter entitled "Music Education with Nursery Children" has many suggestive ideas for teachers who are guiding young children in their first experiences with music. Especially suggestive to those individuals working in institutions where equipment and toys are not easily obtainable are the chapters on equipment and toys which give not only numerous illustrations but the work designs for making such pieces of apparatus and homemade toys.

Parent educators will be particularly interested in those chapters which deal with the explanation of the spread of propaganda by the state to reach 100 per cent of its people. Perhaps the most outstanding feature

of their parent education program is the establishment of the Museum for Protection and Motherhood and Infancy. The Museum and exhibits are numerous throughout the whole Soviet Union. By poster, slogan, charts and even frescoes on the walls, painted by famous Russian artists, in these museums the parents of all classes can, individually or in organized groups, secure information and knowledge concerning the best care of their children.

The discussion of the research work done in Nursery education is particularly interesting because of its originality. The experimental work done on conditioning is very outstanding.

This book which is scientific in approach and philosophical in treatment, should be of value not only to those individuals especially interested in Nursery Schools and Parent Education, but to all those desirous of keeping up with current educational trends in other countries.

L. LUCILE EMERSON

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Ryan, Frederick L., *Industrial Relations in the San Francisco Building Trades*. (Norman: The University of Oklahoma Press, 1936, pp. xi, 241.)

Labor relations are very much in a state of flux just now, and any further information which may throw light on future developments is very much to be welcomed. One might think a study based on one urban community would be too restricted to have national significance, but Professor Ryan finds in the San Francisco area a microcosm of the whole labor problem, and we can therefore draw some very illuminating conclusions from labor's experience in that locality. From the local standpoint too, the study is of unusual interest because of the unique circumstances surrounding the evolution of labor organizations there: the frontier traditions, the early appearance of labor politics, the long period of isolation from the rest of the country, the effects of the earthquake and fire on the labor problem.

San Francisco early became a strongly unionized town. For a long time, however, the unions were relatively isolated from each other. There were numerous attempts to federate them into a city central organization, but these efforts were not, for the most part, either very long-lived or very successful until practically the end of the Nineteenth Century. At that time the various building trades unions were organized in a Building Trades Council which, under the leadership of one P. H. McCarthy, who was a virtual labor czar, practically dominated the industry for a quarter of a century. It is this period which is most instructive, and which Professor Ryan treats in greatest detail.

Labor's experience under this Council illustrated most of the objections which led to the rise of John L. Lewis's C. I. O. The workers were organized in a large number of craft unions, each of which was more interested in furthering its own individual interests than those of labor as a whole. Jurisdictional disputes were frequent in spite of the rigid discipline which the central organization attempted to maintain. Leadership was autocratic, being concentrated largely in the hands of McCarthy, who was in general committed to the policy of labor-capital cooperation, and who used the

organization on occasion to advance his own political and other interests. Democratic movements in the ranks were ruthlessly suppressed, and McCarthy did his best to foster the creation of a large number of small unions in order to fasten his grip more tightly on the movement.

This arrangement also had its advantages for the employers, who had in the meantime created their own central organization to treat with that of labor. But about 1921 McCarthy fell out with the employers' group, which had been growing increasingly restive under the closed shop regime. There had been formed in the city an open-shop group who euphemistically labelled themselves the Industrial Association. (It is significant how frequently employers organize under such names as Law and Order League, Citizen's Alliance, and so forth.) This group backed the building employers, and the two together succeeded in throwing off the union yoke and established San Francisco as an open shop town, which it has since remained,—much to the detriment of the workers' interests. There has been a revival of union strength in the past three years, however, largely along industrial union lines. It is to be regretted that this recent period of depression and recovery is not more fully treated, as Professor Ryan indicates that it demonstrates some very interesting and significant tendencies.

The study is excellently done, and is drawn largely from original source material. The author is distinctly sympathetic with labor, but that fact has not blinded him to its defects of organization and tactics nor has it prevented his treating the employer with justice. One gathers that the author feels, on the whole, that the future lies, and justly so, with industrial unionism.

J. H. LEEK

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Rappard, William E., *The Government of Switzerland*. (New York: D. Van Nostrand Company, 1936, pp. ix, 164.)

A Swiss citizen, a man well known to American political scientists, gives us what, at first glance, seems to be the usual text book. A close inspection, however, discloses a sprightly, keen, and analytical approach which makes a distinct contribution to our text material on the political system of Switzerland. The book is written for the use of American students, and in his comparisons with American political institutions, the author shows a good appreciation of both systems. For example, he notes that in the election of state executives separately from state representative bodies in both countries often results in an incompatibility between the executive and the legislature. His remarks on the unicameralism of cantonal legislatures in Switzerland are interesting in the light of current agitation for unicameralism in the United States.

The fact that the author is a native Swiss gives him an outlook which in many cases would otherwise be lost. For example, (p. 79) he says: "One may therefore safely say that, although most Swiss citizens can recall the names of at least a majority of the members of the Federal Council, they are as apt as not to forget that of the *pro tempore* President of the country." Frequently, however, his partisan feeling gets the better of him, as when he says of the Social Democratic platform (p. 103): "As a program

of government, it cannot but strike the impartial observer as shockingly demagogical, distressingly bureaucratic and bafflingly Utopian." One is immediately struck with the idea that such an observation is not "impartial."

Some recent changes give the author still further justification (if such is ever needed) for attempting another text book on Switzerland: Uri has recently ceased to be one of the *Landesgemeinden* and has become a representative republic; the National Council (Congress), and likewise, as a result of this, the Federal Council (cabinet) have recently had their terms changed from three years to four years. That Dr. Rappard is a forward-looking writer is evidenced by his observation that the *Landesgemeinden* are an anachronism, and that the increasing complexity of life is certain eventually to destroy them; that federal subsidization of the states "cannot but be exclusive of a true moral and political independence." American text-writers might well borrow from his technique in presenting his chapter on "Domestic Policies" and that on "Foreign Policy," although the latter is a much more vital problem to Switzerland than to most countries. His treatment of the "Four Dominating Tendencies" in the chapter on Domestic Policies is very good; however, he deplores much that has been done (p. 119):

The individual, having, with the triumph of democracy, become the master of the state, proceeded to impose ever more onerous duties and ever heavier burdens upon his newly won servant. He apparently did not realize that by so enslaving it, he was making it ever more indispensable to his own well-being and thereby condemning himself to a new bondage not less oppressive than that from which he had emancipated himself a century before.

This is a complaint that is being made by intelligent conservatism the world over. But this expression is based on the idea that absolute freedom from restraint is the only brand of liberty. The answer of the liberal is that the "new bondage" is expressly designed to give the average run of man all of those benefits of life which the "old bondage," by the very nature of its structure, took from him.

JOE M. RAY

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Cook, Thomas L., *History of Political Philosophy, From Plato to Burke*. (New York: Prentice-Hall, Inc. 1936, pp. xviii, 725.)

This is, by any test, the best general work in the history of political philosophy to be published in one volume. The author obviously attempts to avoid two extremes: the superficial survey, and the too-detailed exhaustive listing of names and titles. It must be said to his credit that in the main he has succeeded.

The style of the book is excellent, being sufficiently discursive to please the undergraduate, yet sacrificing nothing in clarity. The biographical material, which constitutes an unusually large portion of the work, is excellent. It does, however, seem too extensive, in a work which must of necessity be compendious.

The chapters on Greek thought are very well done, even though the reader misses some reference to those early pragmatists, the Epicureans.

Machiavelli is given a treatment which seems to this reader the sanest yet produced. The discussion of the Medieval Era escapes the pitfalls of too thorough exploration of the jungles of feudalism, theology, and scholasticism.

This much credit being given, it may be permitted to voice objections without being accused of captiousness. It is hard indeed to forgive the omission of Vico, generally regarded as the founder of the "historical" school. A single reference, as a forerunner of Montesquieu, is all that is allotted him.

Spinoza gets one-half paragraph, and that under Hobbes. Kant and Hegel are merely mentioned, and Fichte is ignored. Campanella, von Haller, von Humboldt, Isadore of Seville, and Thomas Paine seem all to have been overlooked. The Encyclopedists receive only the notice that Diderot quarreled with Rousseau. These are serious omissions. Some considerable amount of biographical material might well be sacrificed to include such names. Undoubtedly some such change will appear in the revision which will be eagerly awaited. Such a work, so long needed, should be perfected.

There are frequent references, throughout the work, indicating that a complementary volume is to follow, presumably covering the nineteenth and twentieth centuries. It will be most welcome. This reviewer feels that it would have been much better to have extended the present volume at least to include the Utilitarians, in order that it might cover the field of the customary university course in the history of political theory. There would still remain ample room for the treatise in contemporary theory.

Very great improvement could be made in the indexing.

O. E. NORTON

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Shepherd, Henry L., *The Monetary Experience of Belgium, 1914-1936*. (Princeton: Princeton University Press, 1936, pp. 265.)

The period covered by this study of Belgian monetary experience comprises the twenty-two years beginning with suspension of the gold standard on August 2, 1914, when the German forces were about to occupy Belgium, and ending with the second post-war devaluation, announced definitely on April 1, 1936.

This monograph is a painstaking post-mortem of a mighty delusion which, initiated when the end of the World War was in sight, controlled Belgian financial policy for a decade—the belief that "Germany will pay in the end."

Excellent summaries are found at the end of more extended discussions of the Janssen Plan, the collapse of the franc in 1926, the Francqui Plan, and the second devaluation, (of Van Zeeland) in 1935. Chapter V contains an able and thought-provoking discussion of the problems of selection of the rate of stabilization of national currencies. Well-documented, this book constitutes a very creditable addition to the Princeton series in international finance.

For the student of governmental finance practice, the discussion of the two extraordinary budgets in post-war Belgian treasury policy will be interesting, the economic historian will find one of the great ironical instances of history in the hoisting of the Belgian treasury by its own petard in connection with the exchanging of German paper marks for Belgian

frances after the war, and the general student of economics will find some disturbing facts in connection with the freedom of government to choose the right course under pressure of political circumstances.

RONALD B. SHUMAN

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BOOK NOTES

In the field of American government very few writers have undertaken surveys of the governments of individual states. For the most part, information concerning the government of a single state must be obtained from the reports of investigating committees that have been appointed from time to time in that state to inquire into varied governmental problems. These reports, however, usually lack that touch with the realities of politics which is essential to an understanding of government in its actual operations. Professor Cullen B. Gosnell of Emory University adequately justifies his survey of the *Government and Politics of Georgia* (New York: Thomas Nelson and Sons, pp. 246, 1936) by stating (p. 11): "Since each state, however, has rather distinctive features and problems, the author feels that there should be specific studies of certain states, if not all." In a readable and interesting manner Professor Gosnell describes the present system of constitutional and political government in Georgia, points out its most glaring defects, and indicates the present trends toward governmental reform. The only significant omission in the author's treatment is his failure to describe adequately the practical relationship existing between the State of Georgia and the federal government in the formulation and execution of many important governmental policies.

J. A. B.

Norman Thomas's *After the New Deal What?* (New York: The Macmillan Company, 1936, pp. xi, 244) was the socialist presidential candidate's chief campaign document in the 1936 election. The book was published in August and reprinted in October. Mr. Thomas recognized that his most effective appeal is through his books. His evaluation of the New Deal is: "This is not socialism—not even what Mr. David Lawrence calls 'unconscious socialism' . . . Mr. Roosevelt has not given or sought to give us the equivalent of a fascist dictatorship. This or that thing which has been done under or during his Administration can justly be called fascist in tendency." (pp. 21-22.) The criticism of the New Deal is keen; he unerringly singles out and denounces its most vulnerable aspects. He is particularly critical of the lack of accomplishment amongst the sharecroppers of the South. The author refuses to take seriously the bid for election of any of the presidential candidates except those of President Roosevelt and himself. His criticism is of the New Deal, and he is dubious that another four years of it will solve the nation's problems. The only real solution, as he sees it, would be socialism of an American brand under Thomas. The book is loosely organized and is to some extent a re-hash of his former writings. It does not measure up to the usual Thomas standard, but that is perhaps too much to expect of a campaign document.

J. M. R.

A little pamphlet, *How to Create More Jobs Than Men Without Cost to Government*, by H. Ellenoff (New York: Beaverbrooke Printing Co., 1936, pp. 46) is the product of the pen of a completely convinced disciple of Henry George. To one who has carefully read George's *Progress and Poverty* the pamphlet has nothing new to offer. All of the New Deal activities, he says, are based on the fallacious Marxian theory of surplus value, and will not solve our problems. Land is the source of all our goods and our selves, and we can rise above the situation to which we have arrived only by utilizing land for the benefit of all. His answer, as was Henry George's, is the virtual nationalization of land through the single tax, appropriation by government of all socially created land values and the leasing of those lands to users for what they are actually worth. The author's style is breezy, rabble-rousing, and dogmatic. An able disciple, but not the equal, either in vision or conviction, of his master.

J. M. R.